Of the Gentlemen, Freeholders, and other the Inhabitants of the County of Flint, humbly offered to the Honourable House of Commons, against Mr. Gell's Bill for making the River Dee in the County of Flint and Chester Navigable.

HAT Francis Gell of London, Merchant, obtained a Grant from the Crown of several Marshes and Commons, which Novem. 95. extend above 20 Miles in length, and in feveral Places about fix Miles in breadth, most part of which is situated upon the River Dee in the faid County of Flint; in all or most part of which the faid Gentlemen and Freeholders have not only a Right of Common, but are comprehended in their feveral Lordships and Mannors, which they and their Ancestors (time out of mind) have quietly enjoyed without any Interruption.

That Mr. Gell, by virtue of the said Grant, hath since endeavoured to disposses several of the said Freeholders and Inhabitants of

their Antient Rights, but finding it difficult (if not impossible) to effect the same by Law,

The said Mr. Gell thought it proper to agree with the City of Chester for making the River Dee Navigable from the Sea to the nuary 96. faid City, and under that plausible Pretence to have an Act of Parliament, which (if it it passeth as it now penned) doth in Effect confirm the faid Grant, by giving the Inheritance to Mr. Gell and his Heirs of all that was comprized in the same.

#### The BILL answered.

Hat by the Bill the Commissioners have a Power to mark and set out what Lands and Soil they please adjoyning to the River on both sides to Bill. Mr. Gell, bis Heirs and Assignes.

By which Mr. Gell hath a present Inheritance vested in him in all the said Marshes and Commons, tho it be other Mens Lordships, Answer. Commons, Warrens, Fishery, Ports, Harbours and Docks, and the the intended Navigation be never effected.

That here is a Duty laid upon all Coals and Lime that are brought either by Sea or Land-Carriage to the City of Chester.

Bill. All which will be a sufficient Recompence to the Undertakers, especially the said Duties to be raised out of the Coals and Lime Answ. becoming a Tax upon the Gentlemen of the faid County in whose Inheritance the same is found, but have no Benefit of the said Navigation.

Bill. That the City of Chester (who is to reap the Benefit of the Navigation) hath excepted therein all their Sands and Soil on Chester-side of the River.

This sheweth plainly that the City of Chester is apprized of Mr. Gell's Grant, and would by this Exception vacate it; or at least Answ. are so wise, as not to contribute any of their Soil, &c. towards the Navigation. Bill.

That the Collectors of the said Duties are to be nominated by Mr. Gell, and afterwards approved by the Mayor, &c. of the City of Chester (for the time being) and accountable to them.

This sheweth that Mr. Gell and the City are all one, and that it will be the Interest of the said City, that the River Dee never be made Answ. Navigable; for they will have by the Bill a present Inheritance vested in them, and may inclose as much of the Commons and Soil of the faid Freeholders, as may come to 30 or 40000 l. per Annum, which will be more profitable to Mr. Gell and the City of Chester, than the Navigation: And that for any Misapplication of the said Tax or Duties that are to be raised out of Coals, &c. Mr. Gell, or any other Person, whom the said City nominates, are only accountable to themselves.

Tuns may come to the City Walls. Mr. Gell by the Bill proposeth to make the said River so Navigable, that Vessels of That Vessels about 200 Tuns do come with the Tide within a League or thereabouts of the City of Chester, and Boats of about 15 or 20 Tuns come constantly up to the very Walls of the same, which doth answer the Trading or Commerce the said City now hath, or can ever be made capable of, by reason of the Situation of it.

Bill.

Answ.

2d.

Note,

Which Reasons shew this Bill is rather to protect the said Grant, than for any real Design to make the said River navigable.

### The Inconveniencies that will happen upon the passing of this Bill.

HAT this Bill takes away the Property of the Lords and other Proprietors in their Commons, Wastes, Fisheries, and Ist. Warrens.

That it will ruine many thousands of poor Cottagers and Labourers that do not only get their Livelihood by Carriage of Coal and Lime to the faid City of Chefter, but time out of mind have had the Benefit of Commoning in the faid Marshes, under the several Lords of the Mannor, who have Right thereunto.

3d. That there are about 10 Harbours and several Docks upon the said River, that belong to several Gentlemen, who have always enjoyed the Benefit of exporting their own Coals, Lime, &c. which by this Bill will be utterly destroyed, and no Recompence to the Party aggrieved intended by the fame.

That by the Situation of the Country (the richest part of the County of Flint being a Flat) the attempting to reduce the said River into one Channel at the Mouth of the said River from the Sea, by mounding and fencing against the same, (for want of its due Course) may in all probability overflow and drown many thousand Pounds worth of Lands per annum. The Navigation of the said River hath been heretofore seriously considered of by Artists, and thought not feasible for the Reasons aforesaid.

5th. This Bill not only cuts off all Commerce and Trading from Land to Water on both fides the River Dee (for without Mr. Gell's leave there can be no Passage for any Cart or Burden to come near the said River to imbarque any Ships) but also stops all the Ways over the Marshes and Sands for Carts and other Land-Carriages, by which the poor neighbouring Tenants will be incapacitated to

Note, Ki That the Sands and Soil which Mr. Gell is to have vested in him and his Heirs cannot be called Derelict Lands, but lie on both sides the River Dee, which sometimes overflows not only the faid Sands, but several Meadows and other Lands thereunto adjoining, and leaves Sand thereupon.

That Mr. Gell doth not pretend to be any Artist that way, and it probably may be too chargeable an Undertaking for one Man. Note. There is no Penalty or Time prefixed by the Bill, or Obligation upon them to perfect the faid Navigation, yet Mr. Gell and the Note. City of Chester are to have the present Inheritance and Duties accruing thereby, whether the same be effected or not.

That Mr. Gell by his Grant doth not intitle himself to the said Marshes and Sands altogether as Derelict Land, but as the King's Wastes, tho it be other Persons Properties, by which he goes away with the third part of the County, which (if it were grantable) is too great a Recompence for any private Person (especially to be carved out of other Mens Estates) under the Pretence of being for the Publick Good, viz. of making the River Dee Navigable.

The Two so were the ning that his vider the said Sand and onery all along the tory of the Said River Dow Dut of which the course those of water aconfiderates advantage Note offo head sound thousands of por popula are maintained by Hilling vou the

#### CASE

OF THE

Gentlemen, Freeholders, and Commoners of the County of Flint,

Against

The Bill for making the River.

De Navigable.

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# A S E

OF THE

# Corporation of the Great Level of the Fenns:

#### RELATING TO

A BILL Depending in Parliament, For the better Preservation of the Navigation of the Port of Kings-Lynn; which Bill is for taking away the Sluce at Denver-Dam, upon the River of Great Owze, in the County of Norfolk.

OR Draining the Great Level of the Fenns, called Bedford-Level, the said Sluce was in the Year 1652. begun and set down at Denver-Dam (which is Fifteen Miles above the Town of Kings-Lynn) whereby the Tides were then stopp'd, as now they are.

At the same time a New River was cut One Hundred Foot wide, and Twenty One Miles long (the Mouth of it adjoining to the said Sluce) which does most effectually receive the Tide as many Miles up into the Country, and in as great Quantity, as the River of Great Owze did before: And the Tides at Lynn slow as high as ever they did, which shews that the Flow and Reslow of the Sea, are the same as formerly; but with this Advantage to the Harbour of Lynn, that more fresh Wa-

Navigation is not prejudiced by the faid Works, but made better: For,

ter now comes thither Compress'd between Banks, than ever they had before the Draining-

- I. The Navigation in the New Cut River to St. Ives, Huntingdon, and St. Neots, is much quicker than before; by which means, the Counties of Huntingdon, Bedford, Buckingham, and part of Northamptonsbire, are tar better accommodated than formerly.
- II. As to the Navigation of the River of Great Owze, above the said Sluce, there are fresh Doors at the Sluce, by which all the Waters upwards, are (when low) held up, whereby the Navigation is maintained at all times in the Year; which before, was by the Lowness of the Water, perfectly obstructed for some Months in dry Seasons, so that by means of those fresh Doors, the Navigation to Cambridge, Norfolk, and Saffolk, through the Level, is much more certain than formerly, which does more than Compensate the not flowing of the Tides in those Rivers: And if Boats, or Vessels, be at any time stopped by the Sluce, 'tis for want of observing the times of the Tides, which being observed, the Navigation is free and open.
- III. As to the Navigation from the said Sluce at Denver-Dam, to Germains-Bridge (being about Ten Miles downwards, where the Banks of the River of Great Owze stand near) it is at Low Water in some places Ten Foot, and in others Twelve and Fourteen Foot deep, and the Navigation very good.
- IV. As to the Navigation between Germains-Bridge and the South-end of Kings-Lynn, and below Lynn to the Sea, it was always uncertain and dangerous, by reason of the shifting of the Sands, Pilots being ever used in steering all Vessels navigating there: And if it be now worse than formerly, it is occasioned by the removing the Banks on Marshland side, both above and below Lynn, to that great distance (they being about a Mile asunder) that the Ressux of the Sea cannot sufficiently operate to grind out the Silt and Sand in the Channel, although the Ressux is followed by more fresh Waters than formerly, which run through the Level with a stronger Current than ever before the Draining; for no Channel can be preserved deep, where the Banks are so far asunder.
- V. The Inhabitants of Kings-Lynn, by laying much Rubbish on their side of the Channel, all along their Town, for about a Mile in length, where the River was narrow, have forced the Channel on the opposite side upon Old Lynn, which has destroyed several Houses, and made the Channel there much wider than it was before the Sluce was set down at Denver-Dam; by means whereof, a far greater quantity of Silt or Sand is brought in by the Tide, which choaks up the Channel between Lynn and Germains-Bridge, where the Banks are so wide a sunder: All which Banks, from the said Sluce to the Sea, are out of the Level, and are to be maintained by the adjacent Inhabitants.
- VI. These Fenns were Drained, by means of the said Sluce, and other Works, at the Charge of above 200000 Pounds, laid out before any Possession or Perception of Profits. In Consideration of which, the Ast of 15 Car. II. Passed, for making the Duke of Bedford, and others, a Corporation for the Government and Preservation of the Works of the Level; and thereby vesting \$3000 Acres of the said Level, and the said Works, Banks and Drains in the Corporation, and 12000 Acres in the Crown. Since which, great Numbers of Persons depending upon the Security of the said Ast of 15 Car. II. have purchased of the Corporation, and others, great quantities of Drained Lands, and have enjoyed them quietly, and made Settlements thereof, which are the sole Maintenance of divers Families, Widows and Orphans, whose utter Ruine will ensue, in case the said Sluce be pulled up; which inevitably will occasion the Drowning above 100000 Acres of Ground, and in consequence the Destruction and Loss of the whole Level, containing above 300000 Acres; All which is now well Cultivated and Peopled, to the vast Advantage of the Kingdom: And that the taking up of the said Sluce will not remedy the Silting and Sanding up of that part of the River Onze between Germains-Bridge and the Town of Lynn.

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## CASE

OF

Great Level of the Fenns,

The Bill relating to the Port of Kings-Lynn.

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The CASE of the Freeholders and Miners of and within the respective Parishes of Ashover, Matlock, Darley, Bonsall, and Carsington, in the County of Derby, against a Bill now depending in the Honourable House of Commons, Entituled, An Act for Preventing Multiplicity of Vexatious Suits, and for Settling and Ascertaining the Tythes of Lead-Oar in the said County.

HEREAS the Bill doth recite, That there is a Custom in the said County for the Payment of Tythe of Lead-Oar to the several Persons, Vicars, Owners of Rectories, or other Proprietors of Tythes in the said County; and that the same Custom hath generally been owned and acknowledged by the Owners and Maintainers of Lead Mines through the said County, and that the same Custom hath been Confirmed, Approved, and Established by divers Decrees in the Chancery and Exchequer Courts, and Verdicts at Law; and that by the same Verdicts it is found, That the said Customary

Duty doth extend to the whole County.

The said Freeholders and Miners do, with great Assurance of Truth, insist, That within the said Five Parishes, and every of them, there have been time beyond memory, and so have continued considerable Numbers and Quantities of Lead Mines, in which great Quantities of Lead-Oar have been gotten, sold, and disposed of by the Freeholders and Owners of the said Mines, from time to time by all the time aforesaid; and that there never was any Tythe Lead-Oar paid to any Person whatsoever, nor any thing in lieu thereof. Therefore the said Bill doth untruly suppose a Custom in any of the said Parishes of paying Tythe of Lead-Oar.

And they do deny that any Person or Persons whatsoever, ever had or obtained any Decree or Decrees in the Courts of Chancery and Exchequer, or any other Court, for such Tythes, in all or any the said Parishes, or that there ever was any Verdict or Verdicts at Law in Assirmation of such pretended Custom of or for Payment of such Tythe in all or any the said Parishes: Therefore the Preamble of the said Bill in those Respects is not true,

and consequently it is hoped that the said Bill will be rejected in those Respects.

And in further Falification of the Suggestions in the said Bill, as to the said pretended Custom of paying Tythe of Lead-Oar in and by the Owners and Miners of the said Parishes or any of them, the said Freeholders and Miners do affirm, and are ready to produce and prove, That whereas one Mr Immanuel Bourn, late Rector of Ashover about 43 Years since, demanded and brought his Bill in the Exchequer, for Tythe-Oar against several Owners of Lead Mines in that Parish: Upon the hearing of the Cause, a Trial at Law was directed upon a feigned Issue, to against that Rector and Custom to pay Tythe-Oar there pro ut, and upon Trial thereof, a Verdict was given against that Rector and Custom, and thereupon that Bill was dismissed; upon which he and his Successors ever several severa

That the same Mr. Chappel not acquiescing in the said Verdict, brought a Bill in the Dutchy Court at Westminster for Tythe-Oar in Matlock; on which a Trial was directed, to try whether there was any such Custom or not, and dr. 1676 a Verdict passed against him and the said Custom, and thereupon that Bill was dismissed with Costs; upon which

he acquiesced.

So that the Freeholders and Miners have Three Verdicts and Two Dismissions against the pretended Custom in Ashover and Matleck, Two of the Eive Parishes; and the other Three Rectors standing and looking on, and assisting, hoping to serve their turns thereby, finding no better Essect, lay quiet, and so they have all done ever since, without any such Tythe or Publick Demand thereof, though they have been tampering to get some Persons to own their Demands; but now without and against Custom Law or Equity, they would have an Act for Tythe-Oar, in wrong of the Right and Inheritance of the Owners of the Land, Mines, and Miners; and if such an Act should passagainst the said sive Parishes, all the Rectors and Impropriators in England may on as good a Foundation, endeavour for an Act to make Lead-Oar, and all other Oars and Minerals, raised in any Parts of England and Wales Tythable; For the said Five Parishes are, and have been as free from being charged with or paying of Tythe-Oar, as any stace in England is, or ever was.

If it were true, as the said Bill supposeth, That there were a Custom in the said Parishes to pay Tythe-Oar and Decrees and Verdicts in Assimation of that Custom, then what need there be an Act of Parliament for it; for sure no Person in England bath or can have a better Security for his Right, or any thing he enjoys, than the said Bill supposeth the Recors, Oc: to have; and therefore they ought to acquiesce therein, and prosecute the same as

the Law directs.

But if the Ministers would have an Act of Parliament meerly to prevent Suits, which they call Vexatious, as most Men find all Suits to be: On as good Grounds may all the Subjects of England that are in Fears of Suits, endeavour for an Act of Parliament to prevent all Proceedings at Law, and so shut the Door of Common Justice.

Wherefore, and for that that all the Decrees, Trials, Verdicts, and Proceedings recited or mentioned in the Ministers printed Case, were had between Parties living in other Parts of the said County, and not with any of the Inhabitants, Parishioners, Owners, or Miners of the said Five Parishes, and so they ought not to be affected with them; and therefore the same are impertinently urged in that behalf.

As to the Suggestions in the said Ministers printed Case, That they compounded in the First Fruits Office for the Tythe of Lead-Oar in the said Parishes respectively, such Compositions, though searched for, cannot be found in the said Office; but if they did so compound, it avails not; for if they compounded for what they never enjoyed, the same was wrongfully and erroneously demanded, and the Rectors paid for the same in their own wrong, and that Instance ought not to be made use of in order to charge or incumber any Persons Freehold or Inheritance, as the Mines of Lead-Oar are.

Should the faid Bill pass into an Act, it would not only charge the said Mines with a Duty never paid, nor payable of Common Right, but would tend to the Discouragement of many Adventurers and Miners in searching for Lead Mines; it many times happening, that they spend great Sums in Searches, and find none at all, or are obstructed in getting the same by Rocks of Stone or Waters, and if they find Oar, it also many times happens, that the Tenth Part thereof is as much as comes clear to the Miner, and thereby also many Hundreds of poor People that Labour in and about the said Mines, and maintain their Families thereby, might want Labour and Employment, and so become Chargeable to the Parishes.

The Premisses Considered, the Said Freeholders and Miners do hope, That the Said Bill will not pass this Honourable House.



#### CASE

O F

The Freeholders and Miners of Ashover, Matlock, Darley, Bonsal, and Carsington, in the County of Derby, against the Ministers of the said Parishes; In relation to a Bill now depending in the House of Commons, For Preventing Multiplicity of Vexations Suits, and for Settling and Ascertaining the Tythes of Lead-Oar in the said County.



The Case and Condition of the Corporals, Trumpeters and Troopers, which served his Majesty in the Reducing of Ireland, in the Regiment of Horse there Commanded by the Honourable Collonel Thomas, and since by Collonel Francis Langston.

Most bumbly offered to the Consideration of the Honourable the Knights, Citizens, and Burgesses in Parliament Assembled.

Sheweth,

Hat in August, 1692. the Regiment being then in Flanders, was broken, and the Souldiers Incorporated into other Regiments, and that Collonel, now Brigadeer Franck Langston, in anno 1693. received two accounts of the Arrears due to the Regiment for their Service in Ireland, the one stated to the 1st of January, 1692 the other to the 1st of April, 1692.

And there being Complaint made to his Majesty in Flanders, that the Irish Arrears were not paid, his Majesty was pleased by his Gracious Order, dated the 13th of September, 1695. from his Camp at Lymbeck, to Require the Collonels and Commanders in chief of the Regiments of Horse and Dragoons, imployed in the Reduction of Ireland, that they should (then) forthwith account with their Respective Captains, and the said Captains with their Officers under their Command, for the Irish Arrears received by them, or remaining due. And that the said Collonels and Commanding Officers, also the said several Captains, do immediately satisfy to their Respective Troopers, and Non Commission Officers, what shall appear to be due to them out of the Money paid in part of their Arrears: Which Account is likewise to be made by the Respective Collonels and Captains serving us in the Low Countries, of the Off-reckonings of their Respective Regiments of Horse and Dragoons, and payment made by them to their Respective Troopers and Non Commission Officers, of what shall appear to be due to their Areeived by the said Collonels and Captains. And that none of the Officers should have leave to be absent from their Commands, until they com-

plied with the Directions therein.

That in October, 93. the then Brigadeer, now Major General Lumley, Collonel Wood, Lieutenant Collonel Coote, Mr Hill and Mr Sweete, were Commissioners appointed to Examine the Accounts of the several Colleges of the English Horse and Dragoons; and directions given, that if any Officer or Trooper had any thing to fay against their respective Collonels, they should ap. ply themselves to Mr Hill. Which the Troopers did, and Coll. Langston then appearing, pretended the Accounts of his Regiment were in England, and therefore could not pass a just Account with the Troopers: But consented to pay the Troopers 5 1. per Man in part of satisfaction, and that one man of a Troop should come for England to see the Accounts of the Regiment stated, and that those Accounts, and the ballance then due, he would remit into Flanders in six weeks or two months time at the furthest. That Coll. Langston paid only 5 l. per man in Flanders to those were in Ireland all the time, 3 l. to those were there two Campaigns, and 2 l. to those of one Campaign, at 17 s. 6 d. per l. and immediately comes for England, but the men were denyed to come, and could never get any Account since, altho there hath been Acts of Parliament to inforce it 3 and that the Troopers have used all endeavours to obtain the same; as by their Complaints to this Houourable House the three last Sessions of Parliament, and in the 9th and 10th of his Majestys Reign, on several hearings before the then Committee, John Manley Eiq; being then Chair-man, Coll. Langston did promise to account with all the private men, Corporals and Trumpets, and pay them before he would account with his Captains for their Troops. On which specious promise all proceedings were flopt, and the Coll. immediately went for Ireland, without performing any part of his promise before that Honourable Committee.

And in the Session of Parliament held the 10th and 11th of his Majestys Reign, there was on their Petition a hearing before the Honourable Committee, Hancock Esq; being Chair-man, and a Report thereon made to this Honourable House; which being received the 14th day of April 1699, was allowed, and

Resolved, That some Immediate Course be taken with Coll. Langston, to oblige him to state the Accounts with his Captains,

whereby they may state their Accounts with their respective Troops, and pay the Petitioners what is due to them.

That in anno 1688, upon his Majestys first Landing in England he was pleased to order the payment of one months full pay to be paid each Trooper, which was paid them as a Bounty, and afterwards stopt out of their subsistance. And in anno 92, after they came out of Ireland, they received 2 l. 2 s. per Man as a Bounty from her late Majesty to all Troopers, and to all Corporals and Trumpeters 2 l. 10 s. per man (which is since charged as a part of their subsistence) for their service in Ireland.

That Coll. Francis Longston hath long since actually signed a General Discharge in the Office for the Irish Arrears, and cleared with all or most of the Captains and Commission Officers for their own pay to April 1. 92. and in September last, 1700. accounted with his own Troop, and not only paid them their Ballance (they having objected against the summ of 191. 16s. 2 d. unwarrantable Regimental deductions taken out of their immediate Subsistence) but hath signed on the back of each mass account, in these or the like words. Sept. 2. I do hereby promise that is all or any of the Deductions within mentioned, amounting to 191. 16s. 2d shall be taken off by the Lords of the Treasury, Commissioners of Accounts, or authority of Parliament, I will immediately repay the same in the same Specie it came to my hands.

F. Langston.

That several of the Troopers brought their Action against Coll. Langston for their pay, and were summoned before the Lord Chief Justice Holt; and it was ordered that his Bail should continue, and one Tryal should be had in Michaelmas Term, which by delays he evaded; and the last Term being preparing for Tryal, Coll. Langston seem'd willing to comply, and desir'd a Reference, which was submitted to, (the Troopers being not well able to stand suit at Law) but the time simited by Bonds of Arbitration being elaps'd, and nothing done, they have reason to believe it was only a previous Excuse to detain the

Money due to the Troopers, &c. longer in his hands, altho he hath had it already ever fince July 25. 1693.

That, with all Submission, they presume their Faithful Services Entitle them to their Pay, according to Establishment and Acts of Parliament, both in relation to their personal Pay, as also Off-reckonings. And that it may not be unworthy the Consideration of this Honourable House, to observe how unwilling the said Collonel Langston is to shew obedience to the same, he having often declared he will do nothing, but what he shall be compelled unto, either by Authority of Parliament, or Severity of Law, which they are not able to prosecue, being already reduced to great want.

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Broken in Flanders, 1692.

# To the Honble, the COMMONS of England, 4. In Parliament Assembled:

#### The Humble Petition of WILLIAM FULLER.

SHEWETH,

HAT Your Petitioner hath long groan'd under intollerable Missortunes, occasion'd through the Immaturity of his Judgment, which was too easily Impos'd on, by the Persidiousness of Coll. Thomas Dalleval, and Mr. George Hayes; for whose Appearance Your Petitioner Engag'd to the Honourable House, (intentionally for the Nation's Service, tho' the Event prov'd contrary;) and, for their Failure, incurr'd the Displeasure of the Same.

YOUR Petitioner humbly presumes, That most in this Honse were present, when his Information was Read; as also, the Lord Preston's, and Mr. Crone's Confessions; which did Both Confirm, what Your Petitioner Affirm'd; perticularly, Mr. Crone

Asserts it upon Oath.

YOUR Petitioner submissively slings himself on the Justice and Wisdom of This Honourable Honse; Humbly conceiving, That he can have no Redress from the Wrongs he suffers, but by Your Wise Examination of the Whole Management of the Affair; into which Your Petitioner was so Cunningly ensured, by the Artifices of the French Court, and their Private Adherents in this Kingdom; by whose subtle Device, the Honourable House (as well as Your Petitioner) was Abus'd; It being, at that Time, the greatest Design, and most for the Interest of the French-Court, and their Friends in England, to stifle what ever Discovery should be then made: For, the April following, they purposed an Invasion; and accordingly provided all necessary Provisions at La-Hogue, &c.

And, for as much as Your Petitioner can plainly prove, That Dalleval and Hays did Come-over; and the Method of their whole Intriegue in this base Design, in which they had great Assistance in this Kingdom; as also, the manner of their Go-

ing-off;

YOUR Petitioner, with entire Submission, most heartily wishes, (for the Nations Present, as well as Future Security) That this Honourable House will examine into the Management of the whole Intriegue; which cost the French-Court so much Pains and Mony.

BY this Inspection, You will plainly find, who they are that have so long, and, I fear, part of them, yet continue to betray His present Majesties Council, and this

Kingdom in General.

THAT Your Petitioner was the First, which discovered to King WILLIAM Collonel Parker's, and Chevalier Granvil's Design of Assassing His Most Sa-

cred Majesty, Your Petitioner can fully prove.

And, That his former Informations were a true Narrative, even of the last intended Invasion and Conspiracy, in most Particulars: And, That those Former, and these Latter Designs, were much alike managed by the same Conspiring Hands and Hearts; will plainly appear, on the Perusal of the said Information.

YOUR Petitioner, after all this, has been reduced to the most extream Miseries, and suffered Publick Disgrace, occasion'd by Other's Villanies; and has also

been exposed to several hard Shifts, and Extremities.

Your Petitioner therefoze humbly Prays,

THAT (for the Nation's Good [whose Representatives YOU are] as well as for his Vindication from the intollerable Injuries Your said Petitioner has so long groan'd under) He, Your Petitioner, may have some Redress, by Your Mature Consideration of his unhappy Case; That Justice, and Truth, may appear on every Side; and, That such necessary Provision may be made for Your Petitioner, (who left his Friends, Interest, and Imploy in France) to Serve this present Government) as to Your Highly Judicious Wisdoms shall seem expedient:—Your Petitioner surther prays, That he may have Leave of the House, to publish A full and perfect Account of all he knows, relating to the former Conspiracies against the present Government.

And Your Petitioner, as in Duty bound, shall ever Pray, &c.

MM Hullers Pase





The CASE of Several of the Four Hundred Ancient Hackney-Coachmen and others, bumbly represented to the Consideration of the Right Honourable the Knights, Citizens, and Burgesses in Parliament Assembled.

Y a late Act of Parliament, Intituled, An Act for Licensing and Regulating Hackney Coachmen: Commissioners appointed under the Great Seal of England, were authorized under their Hands and Seals to License Seven Hundred Hackney-Coaches to drive for Hire, within the Weekly Bills of Mortality; receiving for each License 50 h and Four Pounds per Annum, towards carrying on a War against France.

The faid Act likewise provided, That the Four Hundred Ancient Coachmen, or their Widows, who had formerly Licenses by Act of Parliament, and had paid considerable Sums and Taxes for them, should be first Licensed to drive Hackney. Coaches as aforesaid: Pursuant to the said Act. Five Commissioners were appointed under the Great Seal of England, to grant Licenses as the Act directs, and execute the other

Powers in the faid Act contained.

The Commissioners as aforesaid appointed, instead of observing the directions of the said Act, refused to grant Licenses to several of the Ancient Four Hundred Coachmen, who had several Coaches and Horses, and had taken long Leases of Houses, Coach-Houses, and Stables at great Rents to carry on their Employment, and had no other way of Living, and granted their Licenses to such Persons who would give most for them, tho' they had other good Trades and Estates to subsist on; and most of the Four Hundred Ancient Hackney Coachmen, and others, who defired to have Licenses, had great Sums of Mony taken of them, before they could obtain Licenses, though by the said Act, they had a Right to have them granted to them, without paying any more for them than the Act directs, which tends to their utter Ruin and Destruction, and the faid Seven Hundred Licenses being contrary to the Intent of the said Act, granted out; the Ancient Hackney Coachmen who were denied Licenses, had no other remedy to help themselves, but by applying themselves to the Honourable House of Commons for relief.

All which faid irregular Proceedings and Grievances were by a Petition of Thomas Kemp, Edward Smith, Edward Phipps, and others, humbly laid before the late House of Commons in the last Sessions, and referred to a Committee; which Honourable Committee after about eleven or twelve Sittings, and hearing Council and many Witnesses on both sides, made a Report to the House of the special matters

of Fact, as they appeared to them, with these Resolves following,

Resolved, That it is the opinion of this Committee, that the Petitioners the Hackney Coachmen have proved the Substance of their Complaint, and worthy the Consideration and Relief of this House.

Resolved, That it is the opinion of this Committee, that several of the Commissioners appointed to put in Execution an Act passed the last Sessions of this present Parliament, Intituled, An Act for Licensing and Regulating Hackney Coaches and Stage Coaches, have by receiving Bribes, and by other undue means acted corruptly and arbitrarily, contrary to the Authority and Trust reposed in them by the said Act.

Whereupon the House Resolved, That the last of the said Resolutions be recommitted to the said Committee, and that they do di-

8 Martii 1694.

stinguish the Commissioners. A second Report of the said Committee was made, distinguishing the Commissioners in the Resolves

feverally, and agreed to by the House. Whereby it was Refolved, That Henry Ashurst Esq; and Walter Overbury Esq; two of the said Commissioners had not by Bribes or other undue means acted corruptly or arbitrarily, contrary to the Authority and Trust reposed in them by the said Act.

But it was Resolved, That three other of the said Commissioners, of whom Richard Gee Esq; was one, had by receiving Bribes, and by other undue means acted corruptly and arbitrarily, contrary to the Au-

thority and Trust reposed in them by the said Act.

The same Day a Petition of the said Richard Gee was presented to the House, the Question being put,

that the Perition be read, it passed in the Negative.

And an Address ordered by the House to be made to His Majesty for removing the three culpable Commissioners out of the said Commission, which Address was made, and the said three Commissioners removed out of the faid Commission; but the short time of that Session, after the faid Votes, being wholly employed in very weighty Affairs, the injured Hackney Coachmen had not the Relief voted them that they humbly hoped for.

Therefore the abused and miserable poor Hackney Coachmen most humbly implore this Honourable House, that leave may be given for a Bill to be brought in for their Relief, or any such other Method directed for redressing their said Grievances, as this Honourable House shall think fit.

SOME QUERIES the Hackney Coachmen beg leave to make on a Case Printed in Richard Gee Esq's Name, and Published and Presented to many Members of this Honourable House of Commons, relating to the Proceeding in the late House, set forth before in the Coachmens Case.

Query 1. TX7 Hether a Paper Printed, Published, and Delivered to the Members of this Honourable House of Commons ought to be allowed, wherein a Committee of the late House of Commons are, in Matters referred to them by the House, accused of Breach of Promise, and suffering Matters taken into their Confideration to be intricated with a confussion and contradiction of Witnesses. falle fuggestions in the Evidence, and other irregularities in the manner and order of the Proceedings.

Query 2. Whether a Dead Man can be produced a Witness before a Committee of Forty living Members of the House of Commons, as Mr. Gee alledges in his Case.

Query 3: Whether a Petition being refused to be read by the House of Commons, can be properly after-

wards afferted in Print to fall to the Ground, other Bufiness intervening. Query 4. Whether when the House of Commons have Voted that the Petitioners have proved the Substance of their Petition, the Charges contained in that Petition can modestly in Print be said to be impossible.

Query 5. What Priviledge Richard Gee Esq; hath to have any Matters relating to him examined and de-

termined by the House of Commons, otherwise then in their constant course, and to which all others have

thought fit to fubmit.

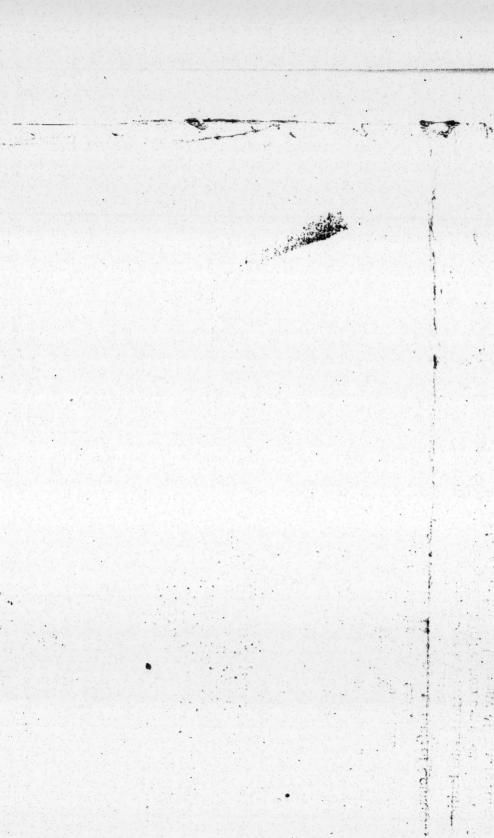
Query 6. Whether Richard Gee Esqs in his Paper, submitting himself to an impartial Enquiry, doth not feem to infinuate, that the former Enquiry was not fo, and can fignifie any more than if the Votes of the House of Commons be true, he ought to be further punished for his Offence.

#### CASE

O F

Several of the Four Hundred Ancient, and others, Hackney-Coachmen.





# C A S E

OF

# LUCRETIA TIPPING.

#### Upon the PETITION of Edward Cosyn.

16 October 1656. Ucretia Tipping, Tenant in Tail of the Lands proposed to be sold by Act of Parliament for the Portion of the said Lucretia; Remainder in Fee to Edward Cosyn of Hilsely, her Grandsather.

14 June 1686. The said Edward Cosyn of Hilsely, by Deed and Fine limits his Estate to Edward Cosyn the Petitioner, for Life; Remainder to Trustees to support the contingent Remainders; Remainder to the First, Second, and every other Son of the Body of the said Edward Cosyn, to be begotten in Tail Male; Remainder to William Cosyn in the same manner; Remainder to Ezekiel Cosyn (since dead) in the same manner.

28 Jan. 1696. Edward Cosyn the Petitioner (in Consideration of 340 l. to him paid by George Tipping, Father of the said Lucretia, and of some smaller Sums agreed by the said Edward Cosyn to be paid to the said William Cosyn his Brother, and to Ezekiel Cosyn aforesaid) together with his Father there Nam'd, Edward Cosyn of Wrexham, joins with the said William and Ezekiel, and with the surviving Trustee, in Conveying by Deed and Fine the several Remainders and Estates to the said George Tipping and his Heirs.

The Annual Rent of this Estate is 250 l. or thereabouts.

Several Bills have pass'd this Sessions and formerly, without any Dispute, where Tenant for Life, an Infant, in present Possession, upon a Marriage-Treaty has satisfied the Committee, That the Trustees that were to support the Contingent Remainders, and the several Remainder-men, had given their Consents to the passing of the Bill. And surely the Trustees and several Remainder-men here, having by Deed and Fine convey'd their several Interests for valuable Consideration, have done more than a bare Consent before a Committee could have amounted unto. And besides that a Remainder upon an Estate Tail is not look'd on to be Assetz, or of any value in Law: And upon an Advantagious Marriage (as 'tis in this Case) Infants have been often allow'd by Privy-Seal to suffer a Common Recovery: And when of Age she might undoubtedly have barr'd all these Remainders.

Note, This Bill has lain Eight Weeks before the House of Commons, and according to the usual Methods of the House he ought to have made his Objections by Petition, by which he might have been heard before the Committee, before the Bill was Reported and Engrossed.

Note, 'Tis Objected, That in the Saving of this Act, there is an Exception of all those that Claim under the said Edward Cosyn of Hilsely the Grandsather. But 'tis Answered, That all the Interest of the said Edward Cosyn the Grandsather, by several Deeds and Fines is by the Petitioner Convey'd to the said George Tipping, as it appear'd before the Committee.

Now the said Edward Cosyn Petitions against the Passing of this Bill, notwithstanding he has by Deed and Fine convey'd away his Interest for a valuable Consideration as aforesaid, and no other Person hath any Right thereto: And therefore 'tis hop'd his Petition will be rejected, as being against all Methods of Proceedings, and Justice, to be relieved against his own Deed, obtained for a Valuable Consideration.



#### The CASE of

Lucretia Tipping:

Upon the Petition of Edward Cosyn.

The CASE of Francis Godolphin Esq;

Nephew and Heir, and one of the Administrators of Sir Will. Godolphin Kt. deceased, in Reference to the Bill depending before the Honourable House of Commons for the better Discovery of all Lands, and other Revenues given to Superstitious 'Uses, for Applying the same to the Use of Greenwich Hospital.

THAT Sir William Godolphin died at Madrid in July 1696. seized of divers Lands in England, and possessed of a very

considerable Personal Estate in England, and divers other Countries, to a very great Value.

The faid Sir William Godolphin some few days before his Death, did make a Nuncupative Will, and thereby did give to his Nephew the said Francis Godolphin, all his Lands in England, and 7000 l. Sterling, and to the Children of the said Nephew 4000 1. Sterling, and to his Neice Elizabeth Godolphin, Wife of Charles Godolphin Esq; 4000 1. and to the said Charles Godolphin, 1000 l. and to his Uncle Francis Bluet, 200 l. which faid Nuncupative Will was reduced into Writing in the Life-time of the said Sir William Godolphin; But there being no Executor appointed, nor any Disposition thereby made of the Residue of his Personal Estate, Administration of the Goods of the said Sir William Godffbin, with the said Will annext, was granted by the Judge of the Prerogative Court of Canterbury, to the faid Francis Godstyling and Elizabeth Godslphin, they accventics given to Superflictous being his next of Kin.

Soon after the said Administration granted, it was pretended, That the said Sir William Godslphin did in his Life-time make or Assent to some Notarial Act, by which he had Constituted certain Popish Priests his Testamentaries, ii. e. his Will-makers) and had given them Authority after his Decease to make his Will according to such Directions as he had Communicated to them, and that by such Notarial Act he gave to each of his said Testamentario's a Legacy, and also divers Sums of Money for Superstitious Uses, and appointed others therein Named to Execute the Will that should be made after his Death, for the good of his Soul, which he therein declared to be his Universal Heir, and he did thereby Revoke all former Wills, Power

to make Wills and Dispositions whatsoever.

And it was further pretended, That the said Priests and other Testamentaries, had, pursuant to that Authority, made and published a Will in the Name of the said Sir William Godolphin after his Deccase, whereby divers Sums of Money were given and appointed to divers Popish Superstitious Uses, and some Endeavours were made to set up and esta-

blish that pretended Will and Disposition.

Whereupon the said Francis Godolphin, and the said Charles Godolphin, did apply themselves to the High Court of Parliament, and obtained an Act to pais in the Tenth Year of His Majesty's Reign, whereby the said Administration granted to the faid Francis Godolphin and Elizabeth Godolphin, is confirmed and established, and the said Power to make a Will is declared Null and Void; and the declaring his Soul to be his Universal Heir, and all the Gifts and Appointments made by the said. Testamentario's, are also declared to be Void and of no Effect.

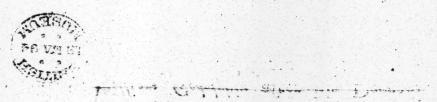
By which Act of Parliament the said Francis Godolphin and Elizabeth Godolphin, as Administrators of the Goods and Chattels of the said Sir William Godolphin, and as his next of Kin, became intituled to all the rest and residue of the said Sir William Godolphin's Personal Estate, not particularly disposed of by the said Nuncupative Will, Except as in the said Act of Parlia-

ment is Excepted and Referved.

The faid Francis Godolphin is Heir at Law to the faid Sir William Godolphin, and as his Heir, is in possession of his Real Estate.

The Bill which is now brought into the Honourable House of Commons for the better Discovery of all Lands, and other Revenues given to Superstitious Uses for applying the same to the use of Greenwich Hospital, may Involve the said Administrators in great Troubles in Relation to the said Personal Estate, and also the said Francis Godolphin in relation to the Real Estate in case it should pass, upon pretence that the said Sir William Godolphin did give or appoint his said real or personal Estate, or any part of it to Popish Superstitious Uses; And the said Bill being subsequent to the Act passed in the Tenth Year of His Majesty's Reign in favour of the said Francis Godolphin and Elizabeth Godolphin the Administrators, and being contrary herein to the said former Act, may be looked upon as a Repeal of the said former Act, and defeat that Establishment and Quiet in relation to the said Sir William Godolphin's Estate, which was intended for the said Francis Godolphin and Elizabeth Godolphin by the faid former Act.

Wherefore it is humbly hoped by the Said Francis Godolphin, That the Honourable House will permit a Clause to be brought in and added to the said Bill to save the Right of the said Francis Godolphin to the Estate of the said Sir William Godolphin, and that the Said Bill may not in any Sort defeat or alter the Said former Act, or any thing therein contained.



#### The CASE of

and other Inframenearies, had, prince

#### Francis Godolphin Esq;

Relating to the Bill for the better Discovery of Lands, and other Revenues given to Superstitious Uses, for applying the same to the Use of Greenwich Hospital, Ge. Josiah Thwaits, the Son of James, the Son of William Thwaits, Appell'.

by Dorothy his Mother,

#### John Deye, Respond.

#### The faid Respondent's C A S E.

11. & 12. Dec. 1678.

Trin' Term, 1682.

15 June, 1683.

Angust, 1680.

Hat the said William Thwaits, having by the Jointure he made to his Wife, provided for the said James his eldest Son, and being affured, that his Mother-in-law, Mrs. Lymbrey, would, as in truth she did give the said James all or the greatest part of her Estate, purchased the Mannor of Berner's Roothing in Essex, with intent to, and accordingly he did by Lease and Release settle the same upon (having no other way to provide for) Thomas his second Son and Frances his eldest Daughter and their Heirs, for want of an Appointment by him to be made to other Uses, and with a Power of Revocation to be made by Deed in Writing.

The faid Thomas dying without Issue, and his said Sister Frances being thereby intituled to the said Estate, and marrying with this Respondent and the Words [Frances, Daughter,] being razed out of the said Release, and the Words [the said James, eldest Son,] inserted therein, close and in a huddled abbreviated manner, in the room and stead of the said Words, [Frances, Daughter,] after the Execution of the same Deed.

This Respondent and his said Wise, not having the Custody of the said Deeds, and not knowing how otherwise to come by the same, Exhibited their Bill in Equity, in the Court of Exchequer, against the said James Thwaits, and Strue and Heath his Guardians, who kept and con-

cealed the said Deeds, and resused to produce the same, to discover the said Settlement, Razure and Alteration, and to be relieved.

Whereto the said Serue and Heath, instead of discovering the said Razure, resused to Answer, and therefore Demurred.

After Witnesses were examined on both sides, the Cause was heard, and the Court making their Decree, the said Razure being sully proved to be made after the Sealing the said Deeds, the Council of the said James, for delay, prayed a Tryal at Law; whereupon a Tryal was directed to try, by a Special Jury of Gentlemen, whether the said Razure was made after the Execution of the said Deeds; which Tryal was had at the Bar of the said Court, and the Verdict was, That the said Razure was made after the Sealing the said Deeds; and accordingly a Decree was made thereupon. Jonathan Ball, one of the said James's Witnesses was convicted of Perjury, and stood in the Pillory for the Evidence he gave in the said Cause for the said James; and the said James or his said Guardians never complained of the said Verdict or Decree, nor never moved the said Court of Exchequer for a new Tryal.

The Respondent and his said Wife, being in Possession of the Premisses, under the said Verdict and Decree, mortgaged the same to the

Lady Bridgman for 2000 l. which, with about Ten Years Interest at least, is now due and unpaid.

It appears by the said Petition and the Petitioner's now printed Case, that the Petitioner's Grand-mother proved the Will of the said William her Husband, and consequently this Respondent could not afterwards conceal it when the said Razure was tryed in the Exchequer.

It appears by the said Will of the said William Thwaits, that the said James was not to have any part of the said Mannor, in case the said Thomas had not died; and, in Case of his decease, he was to have but 100 l. per Annum, paying 1000 l. to his two Sisters; and that the little Farm purchased of Chevely is given to the Respondent's said Wise, and the Heirs of her Body; and for want of such Heirs to return to the said Thomas; and the said 100 l. per Annum given thereby to the said Thomas, in case of his decease, to Return to the said James; so that the Word Return there, is no Argumentone way or other, and cannot there signifie any more than to remain, be or go to or to such effect; and therefore the said James and his Trustees and Council would not bring in and set up the said Will in the said Cause in the Exchequer, but declared the same void, and would not stand by the same, the said William, would and offered to stand by the said Will.

Had the Petitioner's Father stood by the said Will, he and his Sister would have had a fair Provision, and none of the said Monies would have been expended or borrowed; and whoever was the occasion of expending the same, in Conscience ought to pay the same, at least the

same ought to be paid out of his Estate.

It is in proof, that two Deeds (which undoubtedly were the said two Deeds in Question) were left with Mrs. Welch by the said William; and that the said Limbrey fetched them away about a Week after; and consequently they could not be left with the said Heath the same Day they were sealed: And the said Lymbrey and Strue, who were all for James's Interest, whatever came of the other Children, after the said Lymbrey had gotten the said Deeds in her possession, as aforesaid, might get the said Razure made, and then might deliver the said Deeds folded up to the said William, who might thereupon deliver the same to the said Heath.

James had time enough before he went to India, about six Years, to have had a new Trial after he had Liberty to do it, by Order of this Honourable House, if he thought sit, but he only, presently after the making the said Order, brought an Ejectment, contrary to the intent of the said Order, hoping thereby to have hindred this Respondent of the Benefit of reading his Depositions; but the said James being stopt in the said Ejectment, never further proceeded for Trial of the Razure, but slept upon it till he died, being satisfied that the said Razure was

fully proved, and the same never would have been again tried, had not the Lady Bridgman pressed them to it.

The faid Lady Bridgman her Trustees took upon them the management of the last Hearing in this Honourable House, and also the said last Trial, and would not suffer this Respondent to have any share of the said Management, nor let this Respondent see their Briefs affirming their Interest in the said Estate was the greatest, and that this Respondent should not be at any Charge thereabout, and so this Respondent had no Councel nor any body for him, neither was he present at, neither did he know, or had any Notice of the Day of the said last Hearing, neither had he any Councel or any body for him at the said last Trial, and the said Lady Bridgman her Trustees have mismanaged the said Cause in not having all this Respondents Depositions read, nor proving this Respondent in possession of the premisses when the said Mortgage was made, nor any part of the said Mortgage-money lent, tho'my Lord chief Baron at the said last Trial, called for such Proof, and consenting to the reading the said William's Will, when the same was not read at the making of the said Decree, and not having the latter part thereof read when the other part thereof was read, and by not having such part thereof explained as was read, and by not opening one Word of the said Ball or his Perjury.

For as much as this Respondent had no Costs for the former Trial, nor Decree or Proceedings thereto the Petitioner who stands in his Father's Place, and ought to do all that his Father ought to have done, he claiming what his Father claimed in this Case, ought to pay the Re-

spondent Costs for his said Verdict and Decree, and proceedings thereto and Monies expended thereabout.

For that there is none other, or ever was, or ever can be, (as the Case is) any other Evidence as to the said Razure, but the said Deed itself, the Draught thereof, the Councel that drew it, the Clark that Engrosed it, and all the Witnesses to it, and a Gentleman that afterwards saw it; who all prove that the said Razure was made after the sealing the said Deed, upon which the said first Verdict and Decree thereupon is grounded.

And the last Verdict is against all this Proof, and without any manner of Proof to ground the same, and this Respondent cannot devise for what Reason the same was made, unless this Respondents said Wife, who eloped from this Respondent about five Years since, and hath taken.

very ill Courses, made Applications for the same, which this Respondent hath heard she hath done.

That 'tis, with Submission, in the Power of this Honourable House, as this Case is, to order the Respondent his Monies, expended thro' the Petitioners Father's wilful means, and the said Mortgage-money secured, by giving Judgment on the whole matter, and affirming the said Decree.

And therefore, and for that, there is sufficient Proof before your Lordships, whereof your Lordships are Judges, to ground and warrant the Affirming the said Decree, and ordering this Respondent his Costs.

This Respondent humbly prays that the said Decree be affirmed, and this Respondent may have his Costs.

Tho. Dyofe.

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18 MA 94

Josia Froits, y Son of Sames the Son of William Throaits by Lovolky his Mother. I depett. John John Respondents (afe)

13 MA 94

Jose Froits, y Son of Sames the Son of William Throaits by Lorothy his Mother. I depett. John John Deye, Respont

Robert Mason, Gent. Appellant.

Thomas Nugent, commonly called, Earl of Westmeath, Respondent.

#### The Respondents CASE.

HAT Richard Earl of Westmeath, (the Respondents Grandsather) in 1682. Borrowed 1500 l. of Sir John Parker, at 10 l. per Cent. on Security of the Lands of Clonine, &c. in Westmeath, (the Antient Seat of the Family) Lett in 1685. at 110 l. a year, clear of all Reprizes, and on Security of Lands in the County of Roscommon, Lett at the time of the Mortgage to Nicholas Mahon Esq; at 210 l. a year, clear also of Reprizes.

That the Interest was paid to November 1688. when the Revolution happened. That after His Majesty's Victory at the Boyne, Sir John entred on the Westmeath Estate, and after Athlone was taken, on the Roscommon Estate, and

Lett it at a small Rent, tho' Mahon's Lease was in being, and he, or those deriving under him, well able to hold the same. That after Limerick was Reduced, (the Respondent being within the Articles) applied to Sir John Parker for time for the Payment of his Money, it being impossible at that Juncture to get any, and that the Estate in the mean time might be Let to the best Advantage.

But Sir John did in Michaelmas Term 1691. Exhibit a Bill in Chancery against the Respondent to Foreclose him, and Sir John Parker's Debt, Interest and Costs was settled and increased from 1500 l. to 1945 l. 13 s. 7 d. 1 q. notwithstanding he was in Possession of the whole Estate,

which was of more then double the Value of the Interest.

The Respondent was Decreed to pay the said 1945 l. 13 s. 7 d. \(\frac{1}{2}\) q. on the First of Michaelmas Term following, or be Foreclosed.

But the Respondent discovering, that Sir John Parker (tho a Mortgagee only) had settled the Premisses on his Marriage, whereby it could not be Ailigned to any Person that would Lend the Money, informed the Court thereof.

Who thereupon Ordered Sir John should procure all Persons Interested to joyn in the Assigning and Enlarged the time for paying the Money, to Hillary Term following.

That by two Orders of the 12th and 17th of August 1695. Sir Edward Abney (the Person Interested as Sir John Alledged) was Ordered to Assign to Mr. Warburton and Mr. Ludlow the two Senior Six Clerks.

Upon Application to the Court by the Respondent for surther time, and Sir Thomas Packenham a Gentleman of a good Estate then present. offering to take a Lease of the Mortgaged Estate at 300 l. a year; It was Ordered at the Desire of Si: John Parker's Council, that a Master in Chancery should receive Proposals to Sell the Estate to the best Bidder, and the Overplus of the Purchase Money to be paid to the Respondent, but the

time to Redeem was Enlarged only to the 25th of March following. But the Appellant in the Name of Sir John Parker, without mentioning the Order of the 11th of February, and without Notice to the Respondent, did on the 3d of April; by Retition to the Lord Chancellor, Alledge that the Money was not paid the 25th of March before, whereby Sir Fobn's Estate became absolute, and that the said Estate was in the two Six Clerks by Sir Edward Abney's Assignment, and that he had Agreed for the Purchase of the Estate with the Appellant, and therefore prayed that the Six Clerks might Assign to him, which was Ordered.

And they by Lease and Release, the 2d and 3d of the same April, in Consideration of 1945 l. 13 s. 7 d. \(\frac{1}{2}\) q. pretended then to be paid by the Appellant to Sir \(\frac{1}{2}\) for Principal, Interest and Collection Conveyed the Premisses to the Appellant and his Heirs.

The Respondent knowing nothing thereof, and having provided the Money on the 9th of May following, moved the Lord Chancellor in open Court, that Sir John Perker pright receive his Mosey: but the Appellants Council (to the Respondents great surprize) informed the Court, that Sir John and the Six Clerks had Conveyed the Weimiles to the Appellant.

Then the Respondent Petitioned the Lord Chancellor, That the Appellant might receive his Money and Assign; But the Lord Chancellor de-

clared, in regard the Appellant was no Party in Court, he could make no Order, but the Respondent might bring his Bill.

The Respondent Exhibited his Bill against the Appellant; praying he might discover his Title, for what Consideration, and when paid, and to Compel him to receive his Money; whereto he pleaded, That the Respondent by not finding a Purchaser, nor paying the Money on the 25th day of March 1696. was Foreclosed, and that the Decree was Signed and Inrolled, and that Sir John Parker being Seized of the Premisses of an absolute Estate. of Inheritance, and having Occasion for Money proposed to Sell the same to the Appellant, and he Agreed to give him 1945 l. 13 S. 7 d. = q. for the Purchase thereof: And thereupon the Petition was preferred by Sir John, on which the Order of the 3d of April 1695. was made, and that he Relied on the said Conveyances, and that he was a Purchaser under the Decree of the Court.

The Lord Chancellor, upon Arguing the Plea, ordered the Appellant to Answer, but the Benefit of the Plea was reserved to the Hearing. That the Respondent in January 1697, being Informed of some ill Practices of the Appellant relating to the Premisses, immediately Exhibited a

Supplemental Bill for the Discovery thereof. Whereto the Appellant Answered and Confessed, That in February 1694. he Agreed with Sir John Parker for the Purchase of the Premisses, and then paid him 500 l. in part, and secured the Rest, and thereupon by Lease and Release, dated the 18th and 19th of February 1694. Sir John Conweyed all his Interest to him, and his Heirs; and that he then Executed a Defezance, whereby he was to Convey the Premisses to the Respondent, in Case he should pay the Money at the day appointed, being the first of Michaelmas Term, and Insisted that most part of the said 500 l. was paid in Guineas at 1 l. 3 s. And that the rest of the Money he paid Sir John is contained in the Schedule annex'd to his Answer; and thereby it appears, that 600 1. of the Purchase Money was paid after Sir John's Death, and most of the rest is in very small Payments, And the Appellant surther Insisted on the difficulty of receiving his Money now it has rifen; And the Damage he should receive by the loss of his Improvements that he made on the Premisses since his Purchase.

That the Cause came on to be heard on the 14th and 15th of November 1699, and the Lord Chancellor having duly Consider'd the whole Matter, on the 17th of the same month, did Decree, That the Respondent should Redeem, paying the Appellant all the Money Decreed to the said Sir Jahn Parker, with Interest at 10 l. per Cent. in three Months, together with Satisfaction for his Improvements, before the Filing the Respon-

dents Bill; and also an Allowance for the Money he paid Sir John at the Value he paid it; all which the Master was to Ascertain. From which Decree Mr. Mason hath brought an Appeal, insisting, That it is Erroneous, for that he is a Purchaser under the Decree of the

Which Decree the Respondent is Advised is Agreeable to Equity. I. For that the Lands appeared by the Masters Report in the Cause between Sir John Parker and the Respondent to be worth 320 l. a year before the Troubles, and the Interest punctually paid till November 1688. and is now worth 450 l. a year; so that the Mortgaged Lands, is and !

was of much more Value than the Money due theron at the pretended Foreclosure. II. That the time given for Payment of the Money was far too fhort Confidering the then Difficulties of raifing Money, being little more than

III. And for that the Order of the 3d of April 1696. was procured by furprize on the Court, and without any Notice to the Respondent, 13% the Appellant owns in his Answer.

IV. That the Signing and Inrolling of the Decree wherein Sir John Parker was Plaintiff, cannot prejudice the Respondent, seeing the Order of the 11th of February for Enlarging the time to the 25th of March 1696. is not Involled to this day, but left out, as the Respondent conceives, on purpose by the Appellant, that the Order for Sale might not Appear; and had it appeared when the Order of the 3d of April was made, the then Lord Chancellor could not have Directed the said Assignment from the said Six Clerks to the Appellant without manifest Injustice, the Appellant having no Certificate from the Master that he had allowed the Appellant to be the best Purchaser, which ought to have been, and is always practifed in like Cases.

W. For that the Appellant cannot be Deemed a Purchaser under the Oder of the 3d of April 1696. having Purchased the Premisses long before on the 18th and 19th of February 1694. notwithstanding the False Affirmations of his Plea, and his ill Practices to Conceal the time and manner of his Purchase, which were great Inducements as the Respondent conceives, for pronouncing the Decree Appealed from.

VI. That in case the Appellant should prevail, he will have the value of 7000 l. worth of Lands and upwards, (being the greatest part of the Respondents and his Families support) for 1945 l. 135. 7 d. \(\frac{1}{2}\) g. by the Respondents not paying the Money the 25th of March 1696. the was ready and Tendred on the 9th of May following.

Michaelmas Term 1691.

Febr. 9. 1694.

April 29. 1695.

Teb. 11. 1695. Time Enlarg d to March 25. 1696.

April 3. 1695.

April 2, 3. 1696.

May 9. 1695.

July 9. 1695.

Decemb. 5. 1696.

Nov. 19. 1697.

For News due kins, To Sir Johns Order, More, More, More, More, 20 0 Besides many other

fmall Payments. Nov. 14, 15, and 17. 1699.

> Wherefore the Respondent humbly hopes your Lordships will be pleased to Affirm the Decree Appealed from, and give him? Tho. Filmer.c.



# APPEAL from IRELAND.

Robert Mason, Appellant.

Thomas Nugent, commonly called Earl of Westmeath, Respondent.

The Respondents CASE.

To be Heard on Tuesday the 12th of March, 1699.

The CASE of Elizabeth Williams, about the Age of four Years old; sole Daughter, Heir, and Devisee of Thomas Williams, late of Cabalva in the County of Radnor Esq; ber late Father, deceased, Respondent to the Petition of Appeal, of Henry Cornwall Esq;

HE said Thomas Williams being seized of an Estate of 850 l. per ann. (and worth 17000 l. to be sold) in the Counties of Hereford, Brecon, and Radnor; charged with several Debts of his late Brother Richard Williams Esq; deceased, and with a Rent Charge of 250 l. per ann. to his Widow and Relict for her Life; did in the Year of our Lord God 1696. for the Consideration of a Marriage and 3000 l. Portion, settle Part of such Estate on Elizabeth his now Widow and Relict, for her Joynture for her Life; Remainder thereof, with other Parts of his Estate, to the Issue Male of that Marriage in Tail Male, with Remainders to his own right Heirs: Thereby making the usual Provision of the Wives Portion for the Portion of a Daughter; and was seized in Fee of the Residue.

The said Thomas Williams, both before and after his said Daughter was born, often declared, That if he should die without Issue of his own Body, his Estate should never go to any of the Rumsey's, who were his Heirs at Law: But he would in such Case give it to David Williams,

Doctor in Phylick, being his Kinsman; and who had married his Sister, tho' she was dead without Issue.

The Wil- The said Thomas Williams, pursuant to such his Intentions the 18th of May 1697. (his Daughter not being then born) made his Will, and (int. alia) liams's wills, That his Debts and Legacies shall be paid out of his Personal Estate; and if his Personal Estate shall not be sufficient to pay, then he there-

will, dated 18th by charges all his Real Estate with the Payment thereof, by Sale of so much as should be sufficient to pay the same.

And then by the said Will Devises in the Words, (viz.) [And whereas upon the Settlement made upon my Wise, I have reserved the Fee and Inheritance of all my Messuages, Lands and Tenements, in my self, after the Estate Tail therein is spent; Now my Will is, That in Case I die without Issue, or that the Issue by me begotten shall happen to die, without Issue of his, her, or their Bodies, or that the Estate Tail limited by that Settlement shall happen to determine and be spent; And I do hereby give and bequeath unto my welbeloved Kinsman David Williams, of the City of Hereford Doctor in Physick, whom I do hereby appoint to pay all my Debts and Legacies hereby given, and to be given, and upon Condition that he pay the same; all my Mannors &c. in the several Counties of Brecon, Hereford, and Radnor; to hold to him for Life | Then to his sirst and all other Sons in Tail Male; Remainder to Henry Williams (the Doctor's Brother) in Fee; with a Proviso, That if the said Doctor leave Issue Male, the Estate to be charged with 500 l. to be paid to the said Henry.

Elizabeth the Respondent, Daughter of Thomas Williams, was born, 21th of February 1697. in whom the said Thomas took great Delight, and (as fully proved in the Cause) on several Occasions declared, she should have his Estate; That it was Pride in any to give his Estate from his Daugh-

ter to preserve a Name: And that if he had 10000 l. per ann. she should have it all.

The said Thomas Williams died 24th of May 1698. After whose Death, Doctor Williams (who was his Physician, and present with him when he died) immediately possessed himself of the said Will and the said personal Estate, and gave out. That the said Thomas Williams had given him all his Estate, paying his Debts and Legacies; which were so many, and the other Charges and Payments upon the Estate so great, he should be obliged to sell the same.

Whereupon Elizabeth the Relict, having never seen the Will, supposing it to be so as the Doctor had declared, and that the Estate was given to him; came to an Agreement with Doctor Williams for the Purchase of the said Estate. But being commanded by her Father to desist, that

Agreement was waved on both sides.

And Doctor Williams and Henry Williams, 14th January 1698. Contracted with the said Appellant for the Sale of the whole Estate; who paid 300 l. to Doctor Williams in part of the Purchase Money, and paid off a Mortgage Statute or Incumbrance upon the Estate to one Mr. James Oades, for 1000 l. and Interest.

That Mrs. Williams, the Mother of the Respondent, having proved a Copy of her Husband's Will, and Advised upon it, was Informed, her Daughter had an Estate Tail by her Father's Will in all the said Premises: And that Doctor Williams had no present Estate given him by the said Will, only a Power to Sell so much of the Land as would Raise so much as the Personal Estate should fall short of the payment of the Debts and Legacies; and thereupon the said Elizabeth the Mother acquainted the said Henry Cornwall therewith, before he had persected his Agreement for the Purchase, or paid any Money, and Cautioned him against his Proceeding in the said Purchase.

Mrs. Page, Widow of the said Richard Williams, Died, by whose Death 2501. Rent charge fell into the Estate; and thereupon the Appellant exhibited his Bill in Chancery to have a Performance of the Articles of Purchase; and the Creditors exhibited their Bill to have their Debts paid.

To both which Bills this Respondent, and the other Defendants, put in their Answers, and several Witnesses were examined on all sides, and the Causes came to be heard before the Right Honourable the Lord Keeper of the Great Seal of England, assisted by the Master of the Rolls, Mr. Justice Powell, and Mr. Justice Blencowe, on the 18th. day of June last; upon Hearing whereof, his Lordship thought fit to take time to consider further of the Case, and to deliver his Opinion therein.

And these Causes standing again the 8th. day of July last in the Paper for Judgment, his Lordship Declared, That he, as also the Master of the Rolls, and the said two Judges, and likewise the Lord Chief Justice Treby (The Case having been delivered to him in Writing, by his Lordships Order, to deliver his Opinion therein) were all, on Consideration of the whole Matter, of an Opinion, That there is an Estate Tail in all the said Premisses vested in the said Elizabeth Williams the Insant, by the Will of the said Thomas Williams her Father; so that the Court could not ob-

lige a performance of the faid Articles.

And did therefore Order, That the Matter of the said Plaintiff Cormul's Bill should stand dismissed; and upon the Plaintiffs the Creditors Bill it was ordered, That it be referred to a Master of the Court, to state the several Debts Due and Owing them; and that in case the Personal Estate should fall short to pay the same, then so much of the said Real Estate; as should be sufficient for that purpose, and as could most conveniently be parted with, should be Sold for that purpose. And that the said Henry Cornwall should Account before the Master for what he had made or received out of the Real Estate; the said Master making to him all just Allowances for Taxes, necessary Repairs, and also what he had laid out upon the said Premisses for lasting Improvements; and what, after all such Deductions and Allowances as aforesaid, should on such Account appear due to the said Henry Cornwall, was to be paid to him, together with what he had paid in part of or for the Purchase Money, and taking in of Incumbrances that affected the said Estate, with Interest and Costs, to be Computed and Taxed by the said Master: And thereupon he the said Henry Cornwall, and his Trustees in that behalf, were to Assign and Re-convey all such Interest that he had in the Premisses, to the said Desendant the Infant, or in Trust for her, and deliver up the Possession thereof to the Guardian of the said Desendant the Infant, as the said Master should direct; and deliver all Deeds and Writings relating to the said Premisses in his Custody or Power, to the Guardian of the said Desendant the Infant, as by the said Decendant are large appear; To which this Respondent prays leave to referr.

That by the said Decree Provision is made, That all the Debts and Legacies shall be fully paid and satisfied; and they had so been before now,

if the said Appellant had not prevented it.

Wherefore it being the plain Intent of her said Father, That she should Enjoy the said Estate after the Debts and Legacies paid; the Respondent humbly Hopes your Lordships will not think it reasonable to make any strained Construction of the Will to Disinherit her for the sake of a remote Relation; and that your Lordships will therefore Affirm the said Decree, and Dismissthe Appeal with Costs.

Henry Poley. Richard Buckby.



The Respondent Elizabeth Williams, an Infant, by her Guardian's CASE, to the Appeal of Hemy Cornwall Esq.

The Respondents CASE: To be heard the 7th of April, 1701.

To be heard on Sallund The 12 of April

## CASE and COMPLAINT

# LACE-MEN,

## Venders of GOLD and SILVER LACE;

To the Honourable the HOUSE of COMMONS in Parliament Assembled: And setting forth

HAT whereas in the former Times, down to the end of the Reign of King CHARLES the First, and some time fince, the English Manufactures, more especially those of the WOOLLEN, were held in great Esteem through Europe, till those Wares and Merchandizes were made Defective: BUT our present purpose of Complaint is in the Make of that Illustrating and once Serviceable Commodity, namely, Silver Thread, which first is the Art of Wire-Drawers, and after by Twisters is skilfully put on Silk, for Work and Wear, in Embroidery, Lace, Fringe, and other Commodities. And anciently, by a laudable good Custom, the Weight or Quantity thereof was not Ad Libitum, but exactly govern'd by a certain Poize, As a two Thirds weight of fine Silver Plate, the fit Proportion, to Cover or Twist over a one Thirds weight of Silk, for the Work and Use aforesaid: And now the Artificers of this Silver-Thread-Work are intollerably Desective, and become such gross Adulterers, or imperfect Workers in the Making thereof, as both the Greater and Lesser Subjects, more or less, are abus'd, and extraordinarily deceiv'd therein. THAT if, for the good Make of these Commodities, the Makers or Workers thereof, by Power or Force of wholsome L A W, were but strongly enjoyn'd to fall or return into their primitive and veritable Make of Silver Thread, in true Poize and Nature, regularly mixing as aforesaid, THEN only would that glorious Commodity be Superlatively serviceable to the Buyers and Wearers of the same, and most certain would be well distinguish'd in the length of Wear, Credit, and real Service; As also in the Solid return of Profit, when (in apperance) worn out, and by Burning the same, will then prove its Intrinsickness: Or if thus truly and fairly made, may produce near a Moiety of the prime Cost. Then also will it be peculiarly Eminent, and essentially Serviceable in the Save of BULLION, which from all fraudulent wrought Wares, as naturally on shake or wear thereof, does shed, break, or fall off, and in Scores of Years past, insensibly, even to a Waste or Loss inestimable: And the long and severe endurance of these Intollerable Grievances, may be so dolorous as is to have any Debac'd Money in possession of the Subject. Thus having shewn, and admitting a Mature Consideration thereon, may Evince of the pressing Necessity that Now is, for a Speedy Regulation thereof, and fure Prevention of the same for the Future, for Good of the Publick.

#### For Remedy whereof 'tis humbly pray'd,

THAT leave be given to bring in a BILL for the Settling and Adjusting the Proportions or direct Weight of fine Silver and Silk, for the true making of fine Silver-Thread-Work, agreeable to the Make thereof in Foreign Nations, wherein it's indisputable, as being substantially made, and serviceable accordingly. Or when shall be found, and credibly prov'd to be made Impersect, is decreed Penal, even unto Deeath of the Maker of such base Silver-Thread-Work. A ND for the more effectual Ruling and Well-governing of all the Wire-Drawers, Flatters, Twisters, Spinners, Makers and Sellers of this Silver-Thread-Work; As also to admit receiving therein, all and every such Needful Clause or Clauses as shall be found Convenient or Necessary to deter all and every the Base or False Workers of this Silver-Thread-Work, and so effectually as may be binding in Rule unto each and every of the Under and Principal Workers of this Silver-Thread-Work; and to allow ample Power, that each and every of them respectively, shall be subject and liable to an indispensible Inspection of any skilful Person or Persons, for right Knowledge of their veritable Make of this Silver-Thread-Work; As also to a Rule for the Wire-Drawers principally, for their true make or running of fine Silver-Plate in reasonable Substance, to cover or twist on Silk, for the Work and Uses aforesaid.

It is humbly pray'd, That the Wire-Drawers respectively be strongly enjoyn'd to run a certain and agreed Size or Sizes of Silverwire, to hold Flatting, without extream break or shed, as then only may have the good Effect to hold, spin, or twist on Silk, to make Lace, Fringe, or other Commodity, even to the Buyers and Wearers great Advantage, and consequently remove the Grievance here fairly detected, and be for the true Save of the Bullion.

And that the Wire-Drawers respectively be enjoyn'd to carry each and every Qunce of fine Silver-Plate, when twisted on sizable body'd good Silk, and not to be put on Wood-Quills, to their long debauch'd ill Cultom, but be wound into Skains for the Work and various Uses of the same, into the Tower of London, where the Officers of the Mint (as may be there so, or elsewhere appointed) may well and truly Examine, both into the Exactness of the agreed Size or Sizes of the Plate, and Fineness of the Silver, and if made agreeable Silver-Thread, then to make Essay thereof, and Stamp the Crown Mark thereon, on Payment of one Penny for or after the Rate of each and every respective Ounce of fine Silver-Thread in Skanes, so view'd, truly Examin'd and Essay'd as aforesaid, to the Use of the Crown: And that all or any Silver Lace, Fringe, or other Commodity made up of, or mixed with any Silver-Thread different to, or contrary then the Essay'd fine Silver-Thread, so especially directed when found out, and fairly provid and sworn, &c.

It's further humbly pray'd, That a Clause be receiv'd, providing for a sure Cure of the long Defective Gilding of Wire, from the Wire-Drawers, yet much Imperfect, as not lasting in Colour, therefore needs expresly to be appointed, that for the future it be made more rich, strong, and durable, to continue true Colour, and be yielding afterwards accordingly.

# Robert Williamson, against the KING:

Upon a Writ of Error.

The CASE, as it appears upon Record, for the KING.

HE said Robert Williamson did Exhibit to the Term, Barons of the Court of Exchequer, Letters Patents of the late King Charles the Second, Dated the Thirtieth of April, in the Twentyninth Year of his Reign; and Prayed, The said Letters Patents might be Enrolled, which Letters Patents the said Barons received, and caused to be Enrolled: Which Letters Patents do set forth, That the said late King Charles being Indebted unto Sir Robert Vyner in the Summ of 416724 l. 13 s. 1 d . and to several Goldsmiths in London, in feveral other great Summs, which they had Lent and Advanced to the faid late King into his Exchequer, for the Satisfaction of the said Debt to the said Sir Robert Vyner; the faid late King Charles the Second by the faid Letters Patents did Grant to the faid Sir Robert Viner, his Heirs and Assigns for ever, the Yearly Summof 25003 l. .. 4 d. out of the Here itary Revenue of the Excise, to be paid Quarterly in Trust, for such of the Creditors of the faid Sir Robert Vyner, as within One Year then next following, should upon Notice of the faid Grant, Deliver up their Securities, and accept of Assignments of proportionals Parts of the faid Annual Summ of 25003 l. 9 s. 4 d. for Satisfaction of their respective Debts, and the Residue thereof, to be for the proper Use of the said Sir Robert Vyner and his Heirs.

That by the said Letters Patents, the High Treasurer, Chancellor, &c. and all other Officers of the Exchequer, upon Request of the said Sir Robert Vyner, or his Assigns, should strike Tallies of Pro, or Assignment, or other Tallies upon the Commissioners, Treasurers, or Farmers of the said Excise for the Time being; who were required to make due Payment thereof, without any further Warrant. And if the said Revenue of Excise should be paid into the Exchequer, That then the High Treasurer, Commissioners of the Treasury for the Time being, and all other Officer of the Receipt thereof, should Pay to the said Sir Robert Vyner, his Heirs or Assigns, the said Yearly Summ of 25003 l. 9 s. 4 d. without any further Warrant.

That the said Tallies of Pro to be struck on the said Revenue to the said Sir Robert Vyner, should be duly paid, and prefer'd before any other Payment, by Virtue of any Warrant or Order of any Aster-Date, except the Summs payable for the Management of the the said Revenue: And except the Summ of 12209 l. 15 s. 4d 1. payable to the Queen Dowager, as part of her Joynture; and the Yearly Summ of 24000 l. payable to the late King James while he was Duke of York, which were to be first paid.

That all Assignments to be made by the said Sir Robert Vyner, of any part of the 25003 l. 9 s. 4 d. should within Thirty Days after the Execution thereof be Enrolled before the Auditor of the Exchequer, or the Clerk of the Pells. Provided, That when the Heirs or Successors of the said late King shall at entire Payments have paid the said Sir Robert Vyner the said 416724 l. 13 s. 1 d. \frac{1}{2}. and to such Persons to whom such Assignments should be made, after the Rate of 100 l. Principal Money for 6 l. per Annum, which they ought to receive of the said Yearly Summ of 25003 l. 9 s. 4 d. and the Arrears thereof: Then the said Letters

Patents and the Payment of the said Yearly Summ of 25003 l. 9 s. 4 d. should cease and be void.

That the said Letters Patents are thereby declared good, notwithstanding the Statute in Anno 1. Hen. 4. the Statute Anno 18. Hen. 6. the Statute Anno 26 Hen. 8. the Statutes Anno 12. Car. 2. whereby the said Revenue of Excise was granted, or any Act of Parliament to the contrary.

The Record further sets forth, That the said Sir Robert Vyner being Indebted to the said Robert Williamson in 1000 l. he did by an Assignment under his Hand and Seal, Dated the Ninth of April, in the Thirty-second Year of the Reign of the late King Charles the Second, Grant to the said Robert Williamson and his Heirs, the Yearly Summ of 60 l. being his proportionable Part of the said 25003 l. 9. s. 4 d. in Satisfaction of his said Debt of 1000 l. to be received Quarterly for ever.

The Record further setteth forth, That the said Robert Williamson delivered to the said Sir Robert Vyner, all the Securities he had for the said 1000 l. and did accept the said Assignment of the said 60 l. per Annum, in sull Satisfaction for his said Debt of 1000 l.

That the Summ of 405 l. for Six Years and Three Quarters of a Year, ending at Christmas 1689. is in Arrear to the said Robert Williamson for the said Annuity of 60 l. And therefore Prays the said Letters Patents, and the said Assignment may be allowed, that he may be paid the said 405 l. that the Payment of the said Annuity of 60 l. may be continued to him; that as often as occasion shall require, Tallies may be levied, and all the Powers and Remedies in the said Letters Patents for the Payment thereof, may be Executed.

The Attorney-General Demurred to the said Petition, and the said Robert Williamson joined in Demurrer: And after several Arguments in the Court of Exchequer, the Barons there gave Judgment for the said Williamson, that he ought to be paid his said Annuity of 60 l. and the Arrears thereof, out of the Hereditary Excise.

That the King brought a Writ of Error, returnable in the Council-Chamber in the Exchequer, before the then Lords Commissioners of the Great Seal; and after several Arguments, the said Judgment given against the King by the Barons of the Exchequer, was by the Right Honourable the Lord High Chancellor of England Reversed.

That the said Robert Williamson hath brought a Writ of Error in Parliament, to Reverse the Judgment given for the King.

Upon this Record, it's humbly conceived, That the Judgment given for the KING is Good, and ought to be Affirmed.

> John Hawles. N. Wrighte.

# L'obsert Williamson, Mg.

The CASE, as it appears upon Ice.

Upon a Write of

WILLIAMSON ers as within One Year then mat tollow-LING , for W.O WIN & Leaders of the The KING. M Crant to the faid Sir Relevi I'mer, his a wife King Charles the Second by the 1814 on the faid Debt to the land Sie I done or Mary s. 1 d 4. and to feveral Goldfrights indebted unto Sir Robert Viner in the I Filers Patents do fer forth, That the faid indicas received, and cauted to be Inbringht be Smolled, which Letters ! Tear of his Renging and Prayed , The Make Thirtieth of April, in the Twentyrodatof the Court of Exchequer, Letters Pa-M. Robert William for did Exhibit to the 15 10

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All responses thebas and the Relations in re-Liproper tills of the faid Sir Relationant

What and the

WEED IN BE

# The SE of John Burke, Second Son to William, late of Clanricard, and of his Six Sons; Humbly Offered to the Consideration of the Honourable the House of Commons.

Illiam, late Earl of Clanricard, long before the late Troubles in Ireland, did settle and limit part of his Estate to the said John Burke for Life, Remainder Intail Male to his eldest and every other Son successively.

The faid John Burke was a Collonel in the Irish Army, and taken Prisoner at the Battel of Aghrim, yet, on the Treaty for the Surrender of Gallway, on Application made by the now Earl of Clanricard, (the faid John Burke's Brother) then Constable and Commander in chief in the said Town, (and by the rest of the Garrison) the Earl of Athlone, then His Majesty's General there, did promile, that the faith John Burke should have the Benefit of the Capitulations then to be made for the faid Town, and should enjoy his Estate; and the said John Burke's Regiment being then Garrison'd in the said Town, in his Favor an express Article was incerted in the faid Capitulations, That all absent Officers belonging to any Regiment then in Gallway should enjoy the Benefit of the faid Capitulations, in case they submitted to his Majesty's Government; and Assurances were given by the Earl of Athlone, that notwithstanding the said John Burke was then a Prisoner of War, yet he should have the Benefit promised to absent Officers; on Notice whereof the said John Burke obtained his Enlargement, took the Oath of Allegiance, and ever fince continued very Dutiful to his Majesty's Government.

This notwithstanding, the said John Burke could obtain no Adjudication, by Virtue of the said Articles, for that the Commissioners for hearing of Claims were by their Commission, and by an Act of Parliament passed in Ireland, so restrained to the very Letter of the said Articles, that they could not allow him the Benefit of the Earl of Athlone's Promise.

The said John Burke being informed that his Estate was to be granted to one Neale, in Trust for the Right Honourable the Earl of Albemarle, he came for England, apply'd himself to the faid Earl; and as an Inducement for his waving to pass a Grant of the said Estate, and for recommending the faid John Burke to His Majesty for a Grant of the same, proposed to Educate his Sons in the Protestant Religion, to self his Estate to Protestants, and to give all further Demonstrations that should be required of his Willingness to contribute to the Establishment of a Protestant Interest in that part of the Country he lived in, and likewise proposed to pay 7500 l. to be received out of the Profits of the faid Estate, as a Consideration for the faid Earl's waving to pass his said Grant as aforesaid; to which, the said Earl having agreed on the aforesaid Terms, and His Majesty being informed how much the said John Burke's Compliance in the Education of his Children would conduce to the Establishment of the Protestant Interest, and to the Peace and Safety of Ireland; and being satisfied of the Promise given by the Earl of Athlone, and having considered the many and great Services perform'd by the said John Burke's Ancestors to the Crown of England fince the first Conquest of Ireland, and that this was the first time that any of the Family was guilty of any Treason against

the Kings or Queens of England, was graciously pleased to consent that the said John Burke should be restored to his Estate, and for that end has sent his Royal Warrants into Ireland for pardoning the said John Burke, and for granting his Estate to some one in Trust for the Support of him and his Protestant Children; but no Grant or Pardon is yet passed, in regard that this Honourable House, before any Grant could pass, appointed Commissioners for Inspecting into the Irish Forseitures, and out of respect to the Proceedings of this Honourable House, the said John Burke waved passing any Grant.

The said John Burke has a Wise, Six Sons, and Two Daughters; the two eldest of his Sons are bred in the Protestant Religion, and are now at School in Eaton-Colledge, and the rest of his Sons, as soon as of Years to be sent abroad, he intends to educate after the same manner; and for his and their Support, has nothing, if his Estate be now Disposed of, and he Deprived of His Majesty's intended Mercy and Favor.

The faid John Burke's Forfeiture is found by Inquisitions in the several Counties where the Estate lies, to be only for his Life, and that his Sons are in Remainder to the same.

In Pity therefore for the faid Infants, who are the next Males to the Estate and Earldom of Clanricard, and who are to enjoy this Estate after their Father's Decease, and who in the mean time must want Bread and Education if the Estate be now Disposed of, and in regard to the said John Burke's Right of being restored as aforesaid, 'tis humbly hoped that this Honourable House will exempt the said Estate from the Dispositions intended by the Bill relating to the Irish Forfeitures, and will either restore the said John Burke to the same, or leave him to pass a Grant pursuant to the faid Warrant, as to this Honourable House shall seem most proper; and this the rather, for that in former Acts of Refumption, Grants to the Parties forfeiting were taken to be in the Nature of Restitutions, and therefore always exempted; and tho' the said John Burke's Grant is not actually passed, yet since the passing was waved out of respect to this Honourable House, 'tis humbly hoped the same will not turn to his Prejudice.

And whereas the Honourable the Irish Commissioners have reported, That it would be much for the Protestant Interest, if the said Estate were Leased to Protestants, the said John Burke is willing to Lease the same accordingly.

And lest the Disappointments the said John Burke met in the Ways proposed for his Restitution to his said Estate, as the Honourable the Irish Commissioners have reported, should blemish his present Application, he humbly craves Leave to inform this Honourable House, That the said Disappointments did not happen out of any Prejudice to the said John Burke, (whose Case and Condition all People allow to deserve Compassion,) but by Reason of Objections some conceived against the manner proposed for his Relief.



#### CASE

OF

#### John Burke,

Second Son to William, late Earl
of Clanricard, and of his Six
Sons; Humbly Offered to the
Consideration of the Honourable the House of Commons.

# CIASE

OF THE

Lord Viscount Gormanston, in a Writ of Error, depending between Richard Coote Esq., Plantiff, and John Lynch, Defendant.

Grand-father to the present Lord Gormanston, and he and many more, having some part of their Estates in the possession of Trustees for them; and being also under some Outlaries or Attainders, which Cases (among many others) could not be all so foreseen, as to be plainly enough provided for by King Charles the Second's Declaration, and the first Act of Settlement of that Kingdom confirming it, therefore there was a second Act called the Act of Explaination of the first Act of Settlement, made in the thirteenth year of King Charles the Second, wherein his Majesty expressing a particular regard for the services of Jenico Lord Gormanston, Son to the said Nieholas, by a particular Clause in the said Act, the Commissioners appointed for the execution of that, and the former Act, were directed and ordered, to restore unto the said Jenico Lord Viscount Gormanston and his Heirs, all his Lands and Tenements which had not been restored to him before, by the former Act, whereof his Father or any person in trust for him, had been in Possession; and notwithstanding any Statute, Record, or Outlary against him, only the Heirs and Assigns of the late Earl of Mountrath, were first to be satisfied by an allotment of forseited Lands, equal in quantity and number of profitable Acres to the said Lord Viscount's Lands, which the said Heirs or Assigns of the said Earl then had in Possession.

That the Commissioners appointed by the said Act, for the establishing and settling of the Kingdom of Ireland, did by their Decree made in January 1668, restore the said Viscount Gormanston to the Lands in Question, having sirst made an allotment of such forfeited Lands to the Plantiss (as Assignee to the said Earl of Mountrath) as he himself then brought in the List of, and desired to have alloted to him in lieu of the Lands taken from him, and restored to the Lord Gormanston, and which were in all respects of equal value and worth, and the Plantiss did accept thereof in full satisfaction, and he and those, who claim under him, have enjoyed the same ever

fince.

That soon after the said restored Lands were confirmed by Patent from King Charles the second, unto the said Jenico Lord Viscount Gormanston, who afterwards intermarried with the Daughter of the Lord Viscount Molline-aux, and in Consideration of a very considerable Marriage Portion, made a Settlement of the Lands in Question upon the issue of that Marriage, with divers remainders over, and charged the same with a Rent of sive hundred Pounds per annum for his Ladies Jointure, who is yet living.

That the said Lord Viscount Gormanston being since dead without Issue Male, the present Lord Gormanston his Nephew claimeth the Lands in Question, by way of Remainder (under the aforesaid Marriage Settlement) by virtue of which, the Lady Dowager claims also her Jointure of 500 l. per annum as a charge thereupon: And is in a great distress, and under great hardships, not having received one penny on account of her said Jointure,

fince the Plantiff took Possess of the Lands in Question, which is upwards of Seven Years.

That from the time of the Decree aforesaid, until such time as the late King James the Second came into Ireland (which is about 22 Years) the said Viscount Gormanston had quiet Possession of the Lands in Question, without any pretence or claim by the Plantiss, or any else. But in the late Revolution in Ireland, when all things were in consusion there, the Plantiss got again into Possession of these Lands so as aforesaid restored.

For the recovery of which, the present Lord Gormanston's elder Brother (who is fince dead without issue Male) brought an Ejectment in the Court of Common pleas in Ireland, and there had Judgment, upon which Judgment, the now Plantist brought his Writ of Error in the Court of King's-Bench in Ireland, and there the first Judgment was affirmed; whereupon, the Plantist brought his Writ of Error in the Court of Kings-Bench in England, and there the Judgment was likewise affirmed by the consent of all the Judges; notwithstanding all which Proceedings, the Plantist is not yet satisfied, but has brought his Writ of Error on the last Judgment.

And all the pretence the Plantiff hath hitherto made for title to the Lands in Question, in this long course of Law, is no more but this, That as he pretends those Lands which were alloted to him, (at his own desire,) by the Commissioners by way of Reprisal, are not equal in number of profitable Acres, to the Lands in Question, which are 1400 Acres, and the profitable Acres to him allotted are but 1100 Acres, and so he wants three hundred profitable Acres more, tho' he admits they are of as good and if not better value than the 1400 taken from him, and tho' King Charles his Declaration, and the first Act of Settlement orders the Reprisal to be of equal value and worth, and in Fact and Truth, the number of forfeited Acres allotted to the Plantiff by Reprisal, amounted to more than 2000; but he is pleased to say no more than 1100 Acres of them are profitable, altho' they were of his own choosing, and such as he himself asked as a recompence by way of Reprisal for the Lands in Question.

Now the necessary consequence of what the Plantiff seeks by this Suit, is a total subversion of both the Acts of Settlement in Ireland, by virtue of which so many thousand Families hold all their Estates in that Kingdom, for should a gap be once opened to let in Proofs and Allegations after thirty Years time, against the Decrees of the Commissioners appointed by the Acts of Settlement, which have been all confirmed by Letters Patents from the Crown, three parts in sour of all the Estates in Ireland must be in danger, and there will be such multitudes

of Suits in Law there, as must impoverish the whole Kingdom, and disturb and unsettle the same.

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Lord Gormonston

# Syland Padison

#### Some Confiderations humbly offered, in Relation to the BILL now depending in Parliament for the further Relief of Creditors in cases of Escape.

15.

Hatever may be surmised to the contrary, its certain, that where one man comes to Prison to deceive his Creditors, hundreds are forced thit her by mere necessity; and were it otherwise, (with submission) the more effectual way to pay the Creditor, and prevent the Grievances insisted on, would be a Sequestration of the Estate, Real and Personal of the Debtor, with severe Penalties against Frauds, Concealments, &c. This surely would Establish Credit, rather than the Sequestration of the Profits of the Office of the Kings Bench, and Fleet, which are already scarce sufficient for the reasonable Compensation of the Officer officiating. One would think that the Act of Parliament made the last Session, might satisfie the most important Creditor:

"WHICH (Inter al') DECLARES it an Escape for Prisoners in meane Process Contempt, or Execution, to go beyond the Rules or Limits of the said Prison, and that no Writ of Error upon Judgment for an Escape, till Bayl given, shall supercede Execution, &c.

"If the Martial or Warden take Money to Connive at an Elcape, they Forfeit 500l. and their Office; And that no retaking in fresh persuit is pleadable, unless Oath be made by the Officer officiating, that the Prisoner Escaped without his Consent or Privity: That if any Prisoner Escapes, the Creditor may take out new Process; and the Prisoner in Execution to be produced upon one days

"notice, or it shall be deemed an Escape.

"That a Note in Writing, upon a Penalty, shall be given, whether any Peson enquired for, be a prisoner or not, and all Deeds relating to the Kings Bench and Fleet, are to be Inrolled according to the said Act, or in default thereof to be voyd. And Judgment to be signed upon an Action brought for an Escape within Three days after the Rules are out. And the Superiour to be

"Inat no person of what Quality soever, shall pay above Two Shillings Six Pence per Week Chamber-Rent, and that only when in actual possession of a Room within the Walls of the said Prison: And that the Profits of the Office shall be Sequestred to satisfie "Escapes. Which Sequestration, (since the Profits are by the late Ast rendred so minute) will never redound to any considerable Advantage to the Creditor, the there were no precedent Mortgage to be paid: It appearing by the Oath of the Receiver, that the Chamber-Rent of the Fleet Prison received the last Six Months, amounts but to Fifty Five Pounds One Shilling and Sixpence pro ut particulars ready to be produced. Very sew Prisoners thinking themselves obliged to pay any thing; there being no compulsive method to oblige them thereto. Which perquisite of Chamber-Rent was formerly more than Two Thirds of the Profits of the said Office.

Nevertheless it being presumed that the profits of the said Offices are vastly more considerable than really they are, the Bill now depending Enacts,

"THAT ALLOWING such proportion to the Officer officiating, as the Judges shall think fit (not exceeding on third part) the several Mortgagees shall (under penalty of Forseiture) be obliged Monthly to receive their Debts. And Books of Entry of all Profits of the said Offices received, or to grow due, to be kept, & inspected by any person entituled to a Sequestration for an Escape; and the person officiating to answer upon Oath to Interrogatory's touching his Receipts; and in case of conviction of Perjury, to Forseit his Office, be incapable to execute any other Office, and be sent to Newgate.

'Twill be no easie matter to find any person that hath a competent measure of discretion, to run the risque of executing an Office under such hazardous Circumstances, being oblig'd to confine a crowd of necessitious Debtors, who to gratise their misgrounded Resemble to exonerate themselves in point of paying their Dues, will not only (as may naturally be supposed) soon render the Execution of the said Office unsafe (by Swearing to the payment of more than is actually Received) but make it impracticable.

But if the Officer officiating should (beyond all expectation, by reason of the multiplicity of his other Assairs) be able to keep an exact Account of all he receives, and that upon Examination of his Books it should appear he had Received Sixpence more than his just Fees, by this Act he is made an accuser of himself, and consequently lyable to be indicated for Extortion and a Forseiture of his Office; which, with submission, is not only contrary to the Law of the Land, but of Nature also.

That 'is pretum'd a thing needless to oblige the Morrgagees to Receive their Debts from an Office thus circumstanced, who no doubt will do it as soon as by Law or Equity they can. And if there be any Fraudulent Mortgages (as is suggested) the same being Inrolled, pursuant to the late Act, are already examinable by a Court of Equity, in an easie course, without troubling the Legislature.

"THIS BILL further Enacts, That upon Conviction for a voluntary Escape, (besides former Penalties) the Officer officiating shall be committed to Newgate, and remain incapable to Execute any other Office. And its thereby declared to be a voluntary Escape to permit any Prisoner to Lodge in the Rules, unless the Martial or Warden take sufficient Security for true Imprisonment, and upon request Assign over the same to the Plantiff, without allowing the Marshal or Warden the priviledge of retaking the Prisoner upon a fresh pursuit, under the restrictions of the late Act.

This Clause in effect takes away the Benefit of the Rules of the said Prisons, allowed by antient usage, and the late Act of ParliamentFor altho a Security may be good at the time of taking (which the Officer officiating is obliged for his own preservation to take care of) yet afterwards the same may prove desective; in which case the Officer must nevertheless incur the aforesaid
Penalties, which nothing but the Spirit of Prophesic can free him from. The consequence of which, must put him upon attempting
the contining all Prisoners within the Walls of the said Prisons, which must be as impossible to effect, as the putting a Quart of Wine
into a Pint Pott, not to mention the contagious Distempers which may justly be dreaded from a multitude of necessious Persons so
strictly to be confined.

Wherefore, and in regard such ample Provision is already made for preventing Escapes, and for that this Bill (instead of Answering the end propos'd, Viz. The satisfying Escapes out of the Profits of the respective Prisms) does so effectually destroy the Profits of the said Offices, that without paying Escapes or Mortgages, the Officer officiating may even expect some other security and recompence from the Publick, for his hazard and care in the Execution thereof.

It is bumbly boped, that the said Bill shall not pass, but in case it should, the Warden of the Fleet, (who is seized in Fee of the said Office) bumbly prays, a Clause may be received, impowering him to surrender his said Office to the Crown; reserving such Right as he hath by Law to the House where the said Prison is now kept; as being distinct from and not annext to the said Office, which is an Incorporeal Inheritance, and not local, having sotmerly been kept in St. Margarets Lave, Westminster, asterwards at Carroom House, and may be kept in any other place It being bumbly conceived a thing unreasonable, That the Warden should (contrary to the course of other Prisons) provide a House of his own, subject to the aforesaid Penalties and Forseitures, for the Execution of the said Office, when rendred worse than nothing, and hardly (if at all) practicable.

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# An ABSTRACT

OF

The Rents of Great Haseley and Latchford, in the County of Oxon, From Michaelmas 1695 to Lady-Day 1701. With Observations thereupon.

HE said Estates, with the Profits of the King's-Bench Prison, being in Mortgage to the Earl of Radnor, (by Assignment from Mr. Boulter) by this Abstract a Computation may be made how much of the Debt may probably be satisfied by the Lands, and how much will remain on the Prison; which will shew the Errors of those, who suggest the Lands alone to be sufficient to answer the whole Debt.

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To all and Defference of the Lands Defference of the Lands Defference of the Lands Deference of the Lands Deferenc	1.	s.	d.	l.	s.	d.	<i>l</i> .	s.	d. 1
In 1695 Mr. Boulter got into Possession of the Lands, 7 and found the yearly Rents to stand thus, viz.	445	1	5	196	10	2	641	II	7
In 1696 they were raised to	460	1.1	:50	204	0	2	664	11	7
And thus they continued till 1698, when they were	457	II	5	204	0	2	661	11.	7
In 1699 the Rents were thus abated, viz	433	11	5	203	0	2	636	11	7
And now they are	431	II	5	203	0	2	634	11	71

#### Observations.

- Note, Mr.
  Lenthall
  baving lapled the Seven Tears, 18 s. 4 d. per Annum paid out of the Estate, and a large Fine for renewing the Lease every 7 Years;

  the last Renewal cost
  newal cost
  872 l. 10 s.

  2. A Tithe-Rent of 11 l. per Annum is paid out of Lachford to the Rector of Haseley.
  - 3. The Abatement that has happened, is in Haseley, (the Leasehold Estate) for the Rents of Lachford are advanced since Mr. Boulter enter'd.
  - 4. The Tenure and Out-payments being considered, whether 11000 l. be not a Value high enough to be put upon both Estates? let any indisferent Person judge; that Summ being scarcely made up by reckoning the Leasehold at 16<sup>t</sup><sub>2</sub>, and the Freehold at 24 Years Purchase.

And if that Summ be set upon the Lands, the Debt remaining on the Security of the Prison will be above 10000 l. which, tho' a great Remainder, yet the sair and just Profits of the Prison are sufficient to answer it, if they may be enjoyed; and as they are settled by legal and good Conveyances, and are ratisfied by a late Act of Parliament, and nothing being done to forseit or impeach them, it is hoped, that they will not now be taken away, or his Lordship's Security sessent, without an Equivalent.

For all Parliaments have had so great a Regard to Property, that when a private Concern has interfered with, or been made use of for the Publick, Satisfaction has been provided for the Owner; of which many Instances might be given, as on making the New-River, making Rivers Navigable, rebuilding London, and the like; and that remarkable Case of taking away the Damage Cleer, which was payable to the Prothonotaries on signing Judgments; and the declared by the Act that takes it away, to be an unnecessary Charge and Burden to the Subject; yet the Clerks, who had been Purchasers of it, were suffered to enjoy it seven Years, on purpose that they might reimburse themselves, and for so long time was the Act suspended for their Sakes, and for saving their Rights.



Haseley and Com. Oxon.

Latchford

#### Valued.

In Relation to the Bill for Regulating the King's-Bench and Fleet Prisons.

The CASE of GEORGE TAYLOR, Fiq. Marshal of the Kings Bench. In Relation to a Clause added to the Bill, Intitled, An Act for Ryulating the Abuses in Prisons and pretended Priviledged Places.

Illiam Lenthal, Esq; being seiz'd in Fee of the said Office of Marshal of the Kings-Bench several years since, made a Grant of the said Office to William Briggs, Esq, at the Rent of 1400. L.

per Annum. to hold to him and his Assigns for his life.

By Vertue of this Grant, Mr. Briggs held the Office for Six Years, and about a year fince made a Grant or Assignment of his Interest in the said Office, to the said George Taylor; for which Mr Taylor paid him 2000. and confest a Judgment of 1400. Penalty for securing the Payment of the same Rent to Mr. Briggs, as Mr. Briggs had Covenanted to pay Mr. Lenthall. and Mr. Briggs is still alive.

In Easter Term last Mr Taylor was admitted into the said Office, and paid his Rent duly to Mr. Briggs for Four Months, but Mr. Boulter, and others, claiming a Right to the said Rent, under the said Mr. Lenthal,) forbid Payment of the same to Mr. Briggs; and thereupon Mr. Taylor stopt payment thereof to Mr. Briggs; and some time after agreed to atturn Tenant to Mr. Boulter (upon Mr. Boulters promise to Indempnish him against Mr. Briggs,) and paid Mr. Boulter 100l. in part of the said Rent.

Mr. Briggs having notice of Mr. Taylors attorning and paving-Rent to Mr. Boulter, about a Fortnight fince took Mr. Taylor in Execution upon the 1400l. Judgment; Notwithstanding Mr. Taylor always was, and still is, ready to pay his Rent, being Indempnined

After all this (as is supposed, by Mr. Boulters means) a clause was presented to the Committee of the Right Honourable House of Lords (to whom the said Bill was committed) for making void all Grants heretofore made by the said Mr. Lenthall of the said Office, which clause was received by the said Committee, Notwithstanding it is admitted that Mr. Lenthall had a Right to make the aforesaid Grant to Mr. Briggs, under which Mr. Taylor claims.

This Clause was presented at the Close of the Commttee, and received without any Notice to Mr. Taylor, and he never was heard against it, and if the Clause should pass, Mr. Taylor will thereby be divested of his Freehold in the said Office, (without being heard) and lose his 2000 l Purchase Mony. Of which (with submission) there is no President in Parliamentary Proceedings.

Wherefore it is humbly hoped, that this Honorable House will be pleased to reject the said Clause, or admit Mr. Taylor to be heard by his Council against the same.

And be it further Enacted by the Authority aforesaid, that all and every Deputation or Deputations, Grant or Grants, at any time heretofore made or executed by William Lenthal, Esq; of the said Office of Marshal of the Marshalsea of the said Court of Kings Bench, is, and are hereby declared Void and of none Essect: And that all and every succeeding Marshal, shall from time to time, and at all times hereafter, be constituted and appointed by the said William Lenthal, his Heirs and Assigns, by and with the consent in Writing under the Hand and Seal of Edmond Boulter, Esq; his Executors, Administrators, and Assigns, until the Debt owing by the said William Lenthal to the said Edmond Boulter, Executor of Sit John Cutler, Base deceased, be satisfied.

17

SUPPLEMENT

18.

### To Sundry Reasons against a General Naturalization of ALIENS.

Hey will (as many; who by private Acts and Letters of Denization have been Naturalized and made Denizens, have frequently done) thence take occasion to enter the Goods of other Aliens (who are no Protestants) in their Names, when as they themselves have no property in them, to the desrauding the King of his Customs, and the Towns and Ports of their Tolls and Duties. And by this practice all Aliens in general, as Papists, Turks, Jews and Insidels, may and will have equal Benefit by this Law proposed.

2. Neither will the Mischies and Inconveniencies stop here, but such Naturalized Protestants will unavoidably Cloak and Colour the Goods of all their Relations and Correspondents, who Inhabit beyond Sea (as some Persons Naturalized and made Denizens have unawares confessed, conceiving themselves Impowered and Priviledged so to do, by such their Naturalization, and Denization, whereby not only his Majesties Strangers Customes will be lost, but his Majesties Subjects will have all the Commission Trade wrested out of

heir hands.

This last practice is so Notorious, that the Lord Lawsborough and Onesiphrus, Albin Merchants, not long since Petitioned His Majesty, and his late Consort of Blessed memory, and the then Lord's Commissioners sof the Treasury; and offered upon a due incouragement to be given them to make it appear, that by the Cloaking and Colouring of the Goods of Strangers Resident beyond Sea, their Majesties were defrauded at least 100000 l. per Annum in their Customs, besides the loss sustained by their Majesties Subjects in being undersold by these Men through such their unsair practice, and besides the benefit that might accrew to the Nation in general by being eased in their Taxes, and in having their National Trade incouraged.

3. The former Practices occasions our English Subjects to use their Wits to ballance their Trade with that of Foreigners; and among other Projects this following is most frequently practiced; The Merchants abroad divide their Goods, and import them in small parcels; and our Retaylers at home buy them before they were imported, upon condition they arrive safe in Port: And are allowed 2 or 3 %, per Cent, for paying ready Money, or else they accept Bills to be paid at single Usance, if the Goods arrive in England; and these Goods, when arrived and imported, are entred as the Goods of such English who have pretendedly bought them: when as the Foreigners by Agreement run the risk and hazard of the Seas, and are the real Importer. And they gloss over this their evil practice by suggesting that the Foreigner is only the Insurer, and the English Man, who hath conditionally bought them as aforesaid, is the Importer.

By which means the Merchant Alien gets all our ready Money, and the Native Merchant is discouraged in a free and generous Importation of Foreign Commodities, by reason he cannot sell them for ready Money as the Alien can, but is forced to give the Retailer 6 or 8 months time, (and is rarely paid in 12 months;) Yet in the mean time is forced to pay his Bill of Exchange in ready Money to the Foreigner.

All which are humbly offered as further Arguments against a general Naturalization of Aliens: The result whereof will not be barely a putting them into the same Condition with his Majesty's Native Subjects, but putting them into a far better Estate and Condition than any natural born Subject can pretend to, by the Interest of their Relations, and Correspondence beyond Sea.

Yet notwithstanding all that hath been said, if the Wisdom of the Nation shall see good to pass this Bill, for a general Naturalization of all Aliens professing the Protestant and Christian Religion, into a Law: Let it not be forgotten, That even in-Holland, where for Reasons inconsistent with the Nature and Constitution of this Kingdom, they have admitted Foreigners to a free Trade: Yet even there a very considerable Difference is made between Aliens and Natives; for Aliens pay there upon Importation and Exportation of their Commodities, considerable Duties and Tolls to the City, Town, and Port where they unlade their Goods, which are not paid by Natives: Which if provided for in the Bill of general Naturalization of Protestants, may be a good means in some measure to ballance the Profits of the Trade of Natives with that of Foreigners.

And to the end that many of the Mischiess before ennumerated, arising by Foreigners Naturalized, cloaking and colouring the Goods of Other Aliens, may be prevented: It is humbly offered, That provision may be made in this general Naturalization-Bill, that all Persons who receive Benefit thereby shall ever after, upon Entring in the Enstead of any Goods alledged to be imported by them, make Oath before the Officers of his Majesty's Customs, That the Goods by them entred in their names are at that time their own proper Goods, no way bartered or fold to, or contrasted or agreed for with any Person what severe. 2. And that they only have run the Hazard and Risk of the Sea from the time they were first shipped beyond Sea, until their arrival into the Port of their discharge in this Kingdom, where they are entred. Or if this seem inconvenient, It's humbly proposed, 3. That at their first Admission to receive the Benefit of the proposed Act of Naturalization, when they take the Oath of Fidelity to his Majesty, &c. They may take a surther Oath, That they will not at any time or times then after, colour or cloak in their names any the Goods of any Alien, either resident in this Kingdom or beyond Sea, or enter in his Majesty's Custom house in their names any other but their own proper Goods, of which they only have bona side, ran the adventure and risk of the Sea from their first Shipping beyond Sea until their Arrival in the Port of London, or any other Port of the said Ships discharge in England or Wales.

4. That such Oath be made as penal, in the Law, as if the same were taken in any Court of Record at Westminster.

Which latter Oath, or some other to the like effect, seems necessary to be imposed for these Reasons:

Ist. For that of antient times; yea time out of mind, (and that with good effect) the like Oath hath been administred to all Native Subjects admitted into the Freedom of the antient City of London, the Metropolis of the Kingdom, who forfeiting the same incur the Penalty of a Premunire, and are thereupon disfranchised.

2dly. Because it must be expected that many Foreigners will obtain the benefit of this proposed Act of Naturalization before they understand our Tongue, much less our Laws; and by taking this Oath, will be made sensible that the Colouring other Aliens Goods, in their Names is against the Intent of this Act, and other our Laws, and so will forbear the Practice of it, whereby his Majesty's Revenue of

Petty Custom will be increased, and our other Taxes consequently lessened.

3div. Because there's no other possible way of Detecting and Preventing the evil Practices of Aliens Naturalized in cloaking and colouring other Aliens Goods, not of ballancing the Trade of our Native Merchants with that of Aliens, who having the advantage of having their Goods coloured by their Country-men to be Naturalized, will undersell our Native sair Trading-Merchants in the Prizes of their Goods.

4thly. If the ballance of Trade between English and Foreigners, by preventing the colouring Aliens Goods, be obtained (as it is conceived it will by such an Oath administred to all Aliens Naturalized.) The Trade by Commission to the near parts of Europe, (now almost lost by such an Oath administred to all Aliens Naturalized.) The Trade by Commission to the near parts of Europe, (now almost lost by such an Oath administred to all Aliens Naturalized.) The Trade by Commission to the near parts of Europe, (now almost lost by such an Oath administred to all Aliens Naturalizations of Gentlemen, sent abroad into those Parts, who have at present no other Encouragement but being sent more remote: To the Factories in Asia, and surther parts of Italy, and some parts of Spain and Portugal: And it is humbly offered to consideration, that it would be hard upon our Native Subjects, That Strangers who come hither for their, own private Advantage, should by an Act of Naturalization be put into not only an equal, but better Circumstances than our Native Subjects. As undoubtedly they may at this present time, when all Merchants Stocks now in their Warehouses, are chargeable with two and a half per Cent. for their Dead Stocks, and that Foreigners, now naturalized after the Assessment made, should Import their Eresh Goods, which may not be liable to that Duty.

### A Supplement a gthatara lization



Inter Robertum Williamson, Quer Et Mr. Attorn' General, Def. Upon a Writ of Error in Parliament.

#### The CASE of the Plaintiff, one of the Alligns of Sir Robert Vyner. For 60 l. per Annum, and the Arrears thereof, out of the Hereditary Revenue of Excile.

Everal Goldsmiths and others, having lent and advanced great Sums of Money to the Crown, upon the Credit of the Exchequer, and by encou-1667. ragement of an Act of Parliament, for assigning Orders in the Exchequer, without Revocation, passed in the Year 1667. for which Moneys so lent, the Goldsmiths were Debtors to great numbers of his Majesty's Subjects, and particularly Sir Robert Vyner, one of the Goldsmiths was Debtor to the Plaintiff for Money really lent, the Sum of 1000 1. 1671.

And there having been in January 1671, a stop put to the Payments in the Exchequer, whereby the said Sir Robert Vyner, and the rest of the

Goldlmiths, were rendred unable to pay their Creditors:

His then Majesty, King Charles the Second, (in Justice and Compassion to the Goldsmiths and their Creditors, and to remove the Miseries which at-1676. tended the said Stop) was pleased to give directions in April 1676, to the then Lord High Treasurer, to cause the Accounts of the said Goldsmiths to be truly examined, and exactly stated, which was accordingly done by the then Chancelor of the Exchequer, Auditor of the Revenue, and other proper Officers of the Crown, (most of them being then Members of the House of Commons;) and a Report thereof being made to the King in Council, in

February 1676. His then Majesty, in and about April 1677. by Letters Patents under the Great Seal of England, did grant to each of the several Goldsmiths, their Letters Heirs and Assigns, and for the benefit of their Creditors, in lieu and satisfaction of the Moneys due to them from his said Majesty, a yearly Rent or Sum for Patents ever, out of the Hereditary Revenue of Excise, equal in value to the Interest of their respective Debts, after the rate of Six Pounds per Cent. per Annum, with a Clause of Redemption upon his Majesty's paying the Principal Money, with the Arrears of Rent; the said Rents, or Annual Sums to be paid quarterly upon Tallies to be struck in the Receipt upon the Commissioners, &c. of the Excise; and directs and commands the Treasurer, &c. Barons and Officers of the Exchequer of the King, his Heirs and Successors, that they do from time to time perform all Acts necessary, for the constant Payment of the Money; and from time to time to levy and strike Tallies without any surther Warrant; so that the yearly Sums may be constantly paid, without any further or other Warrant to be sued for, from the King, his Heirs or Successors: And if the Money should happen to be paid into the Receipt of the Exchequer, then that the High-Treasurer and Commissioners of the Treasury, Under-Treasurer, Chamberlains, and Barons of the Exchequer for the time being, and all other Officers and Ministers of the Exchequer, and of the Receipt thereof, are authorized and required to pay out of such Moneys as shall be so paid into the Exchequer, or elsewhere, so much as shall be in Arrear, without any further, or other Warrant; and the faid Payments to be preferred before any other Payment out of the same, by vertue or colour of any Warrant, Order or Directions whatsoever, of any after-date, excepting for the management of the said Revenue, and about 36209 1. 15 s. 4 d. 3. ayear to then Queen Consort, and the Duke of York: Also his Majesty thereby granted, that the Letters Patents should be expounded and taken most favourably and beneficially for the Grantees; and covenanted to make further Assurance, if required; and on the 23 of May, 1677, ordered in Council, that the said Letters Patents should be printed, and

made publick, for the information and satisfaction of the Creditors of the said Goldsmiths. Also the Right Honourable the House of Peers, were pleased on the 10th of July, 1678, to pass a Bill for the confirming the laid Letters Patents;

but that Selfion ended before the faid Bill was read in the House of Commons.

Whereupon many of the Creditors of the Goldsmiths (amongst others, the Plaintiff Mr. Williamson) deliver'd up their Securities for their Debts to the Goldsmiths, and the Plaintiff accepted of an Assignment from Vyner, in lieu of his 1000 l. Debt, pursuant to the said Letters Patents, of a proportionable part of the Annual Sums so granted; and which Sums were accordingly paid in the Reigns of King Charles the Second, and the late King James the Second, to Lady-day 1683. And in regard no Tallies or Monies could afterwards be obtained, upon due and repeated Application for that 1683.

The Plaintiff Mr. Williamson, in Hillary Term, 1689, did commence his Suit in the Exchequer, by way of Monstrans de droit, (as had formerly been 1689. very often practiced) thereby fetting forth his Title as Assignee under Sir Robert Vyner to the said 60 l. per Annum (being his proportionable part of the faid Annual Sum so granted by the said Letters Patents), and prayed that the Arrears thereof might be paid unto him; and that the future growing Sums might also be paid according to the said Letters Patents

Unto which Suit the then Attorney General (now Lord Chief Justice of the Common Pleas) had several Days and Terms given him to plead, or de-

mur, as he should think best for the Crown; and at last a Demur being by him put in thereunto;

The Caule had a long Agitation, and was argued for about two years, by the then Mr. Attorney, Mr. Solicitor, and others of the King's Council for the Crown, and also by Council for the Plaintiff, Mr. Williamson; and the Court after long deliberation, and view of the Precedents and Book Cales, produced and cited on both fides, in Hillary Term, 1691, gave Judgment for the Plaintiff, That the Letters Patents were good, and bound the Revenue;

and that the Plaintiff ought to be paid the Arrears of the said 601. per Annum, and the growing Duty for the suture.

Whereupon the then Attorney General on the behalf of His Majesty, brought a Writ of Error, Returnable before the then Commissioners of the Great Seal, who thereupon Ordered all the Judges to be attended with Copies of the Proceedings, and that they should give their Assistance at the Argument of the Caule: And after the Caule had been long and many times Argued by Council at the Bar, at last the Judges Assistants, severally and solemnly Argued the same, and were all of Opinion, (except the Lord Chief Justice of the Common Pleas) That the Letters Patents were good in Law, and that the Plaintiff had a good Title; and that the Judgment given in the Exchequer was good, and ought to be affirmed; And that the Plaintiff Mr. Williamson ought to be Paid his Arrears, and the future Duty according to the said Letters Patents and Judgment. But the Lord Chief Justice of the Common Pleas was of opinion that although the Grant or Letters Patents were good in Law, yet that the Plaintiff had not taken a proper Remedy, and that the Court of Exchequer had no Jurisdiction in this Cause. And the Right Honourable the then Lord Keeper, (now Lord Chancellor) having publickly Argued the said Cause, and being of the same opinion, as to the Jurisdiction of the Court, for that and several other Reasons offered by his Lordship, was pleased to Reverse the Judgment.

Upon which Judgment of Reversal, the Plaintiff Mr. Williamson hath brought this Writ of Error in the House of Lords, and humbly hopes their Lordships will be pleas'd to Reverse the Judgment given by the Lord Chancellor, and affirm the Judgment given for the Plaintiff in the Court

of Exchequer. Considering,

1690.

I. That the Plaintiff is a Purchaser upon a full and valuable Consideration from Sir Robert Vyner the Patentee, having delivered up the Security he had for his Debt, and accepted the 60 l. per Annum in lieu thereof.

II. That the Court of Exchequer ( who are always exceeding careful of the Revenue, and the King's Interest, being more immediately bound thereunto by their Oaths, then the rest of the Judges are ) upon mature and great deliberation, and search and view of many ancient Presidents, did solemnly Adjudge and Declare the Law to be, That the Letters Patents were good, and that the Plaintiff had taken a proper Remedy, and ought to be Paid his Annuity, and the Arrears thereof.

III. That all the Judges called to the Lord Chancellors Affistance (except the Lord Chief Justice of the Common Pleas) upon several Days solemn Arguments and Debate, gave their opinions for the Plaintiff, in affirmance of the Judgment in the Exchequer; and that the said Letters Patents were good, and ought to be complied with, in Paying the said Annuity; and that the Plaintiff had taken a proper Re-

medy to Recover the same.

IV. Even the opinion of the Lord Chief Justice of the Common Pleas was, (as is humbly conceived) that the Grant and Letters Patents were good, and Conveyed a Legal Right and Title to the Patentee, yet that this Right was without a Remedy, for that the Court of Exchequer had no Power over the King's Money, when it was brought into the Receipt, their Power being over it; as was Alledged, in Transtu, before Paid in, and only to enforce the Payment thereof; when as a Right and Title without a Remedy, (and no other Legal Remedy was pretended to be pointed out to the Plaintiff y feems contrary to all Laws, and to the Rules of Justice and Reason. And indeed it would be a hard thing to fay that the Court of Exchequer can Relieve the King against the Subject, and not Help and Relieve the

Subject, when he produces a Legal Title against the King. This hath not been the Practice of that Court, for near the last 200 Years.

V. The Objections so much insisted upon, That the Lord Treasurer is Superior to the Barons, and therefore not to be commanded by them, to Pay Moneys; And that in case the Barons can dispose of the King's Money, it may weaken and prevent the Publick Security, when the Necessities of the State require it to be otherwise Imployed; are thus Answered, That although the Lord Treasurer is a greater Person, yet he and all the Subjects are inserior to the King's Courts. That the Barons send this Command, as they are a Court of Justice, and in the name of the King himself; so that it is the King by His Writs, and not the Barons, that Command the Lord Treasurer in this Case: The Barons have no Power to dispose of the King's Money, but where they have a Warrant under the Great or Privy Seal (as in this case by the Grant and Letters Patents they have) for the doing thereof, so that the Court of Exchequer in this case, only takes care that the King's Grant and Letters Patents be made effectual, and that the Officers of the Crown do their Duties for that purpose, as by the faid Letters Patents they are enjoyined to do.

VI. This Cause in consequence must affect all Persons Claiming under the Crown, or having any Talleys or Orders upon or Payor of the Exchequer; for all those will be made much become or work, by the Judgment of the

18 14 84 (SETT)

#### The CASE of

Robert Williamson, Affignce of Sir Robert Vyner, Complainant, in the House of Peers.

Council to be heard on Friday, 19 Jair.

Sir Charles Kemeys, Baronet, Thomas Lord Wharton, Goodwin Respondents. Wharton, Esq; and Others.

15th April,

Note,

169%.

- Objection.

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Answer.

Answer:

Note,

Note,

Et e contra.

20.

### The CASE of Sir John Thomas, and Dame Elizabeth.

HE Appeal is against a Decree in Chancery of the 9th. of March 1697, for raising a Portion of 5000 l. and Maintenance ( which was payable to Ann Thomas, deceas'd, Daughter of the late Lady Kemeys by William Thomas Esq; her former Husband, deceas'd) out of the Estate which is Descended to the Appellant the Lady Thomas as Heir at Law, as well to the said William Thomas as to the said Ann Thomas.

By a Settlement made in confideration of the Marriage between the said William Thomas, and Mary his Wife (asterwards Lady Kemeys) two several Terms of 500 Years, of and in divers Mannors and Lands in the Counties of Glamorgan and Monmouth are limitted to the said Lord Wharton and Goodwin Wharton in Trust upon failure of Issue Male of that Marriage, to raise 5000 l. if they the said William Thomas and Mary his Wife should have but one Daughter, payable at her Age of 18 Years, or Day of Marriage, which should first happen, with Interest, at the Rate of Three Pounds per Cent. from the Death of William Thomas to the time of Payment thereof, for Maintenance and Education of such Daughter.

The faid William Thomas having a Son and a Daughter living, and there not being any Provision made for the Daughters of that Marriage (only in case of Failure of Issue Male ) he the said William Thomas by Indenture dated the said Twentieth of March 1676 did Settle divers other Lands ( which were then in Jointure to Dame Ann Morgan and Jane Oldsworth ) unto the said Thomas, now Lord Wharton, and Goodwin Wharton, for the Term of 200 Years, to raise the Sume of 5000 1. if but one Daughter, payable at her Age of 16 Years, or Marriage, and also Maintenance for each Daughrer, viz. Thirty Pounds per Ann. till Eight Years old, and then 60 l. per Ann. lill her Portion became payable: PROVIDED, amongst other things, that if William Thomas should make Satisfaction, or better Provision for such Daughter, to the contentment of Thomas, now Lord Wharton, and

Goodwin Wharton, then the Lease or Term of 200 Years to be void. William Thomas dyed, leaving Issue a Son and Daughter, viz. Edmond, afterwards Sir Edmond, and the faid Ann.

1677. Sir Edmond Thomas dyed without Issue, being then about 19 Years of Age, whereupon the whole Estate of the Family, Worth near 3000 l per Ann. 17 Fanuary descended to the said Ann, as Heir at Law, and the said Sir Edmond did make his Mother, the late Lady Kemeys, his Executrix, whereby she got to her own Use all the Profits of his whole Estate, which she had received for 15 Years as his Guardian, worth above 30000 1.

The said Ann Thomas attained her Age of 18 Tears, and falling sick of the Small-Pox she died of that Distemper; during that Sickness a Minister, Toth August who attended to pray with her about two days before she died, asking her how she would dispose of what she had, she answered in general Words, All that is in my Power to give, I leave to my Mother, Brother and Sisters (meaning Charles, Jane and Mary Kemeys the Children which her 24th Aug. Mother had by Sir Charles) and also gave some specifick Legacies, and some small Money Legacies to other Persons, which Words the Minister writ in short hand, but when Written does not Appear.

Sir Charles Kemeys and his Lady, at first, took out a plain Administration to Ann, as if she had dyed Intestate, but about 7 Months afterwards, upon better consideration they procured some of the Legatees to Sue them in the Prerogative Court, to repeal that Administration, and thereupon an Administration with the faid Nancupative Will annext, was granted to the faid Lady Keymeys.

By this Nuncupative Will they have gained Two Houses in Holland, worth 2000 l. and also about 4000 l. Money in the Bank of Holland, which

would otherwise have come to the Appellant as Heir. Also the faid Ann Thomas, had 4000 1. ready Money, and Securities for several great Summs of Money and Jewels of great Value, all given by her the Lady Morgan, her Grand-mother, all which being Personal Estate, together with Two Years Rents and Profits of the whole real Estate, received during the Life of Ann, (not charged with the said 5000 l. Portion) came to the Lady Kemeys, and her Three Children, by Virtue of the said Nuncupative Will; yet the faid Sir Charles Kemeys, and his Lady, have thought fit to Claim the faid Two Summs of 5000 1. a piece, which were Limitted for the Portion of the faid Ann, by the faid Two Settlements before mentioned, and brought Ejectments, and got Judgments therein, in the Name of the faid Trustees, the said Lord Wharton, and Goodwin Wharton, for recovery of the said Estate in the Counties of Monmouth and Glamorgan.

Whereupon the Appellants brought their Bill in Chancery against the Respondents, for an Injunction to stay the said Trustees Proceedings in the said Ejectments, and to compell them to assign the aforesaid Terms of Years to the Appellants.

The Cause coming to be heard before the late Ld Chancellor, he was pleased to declare that the Terms for Years were not Discharged by the Inheritance Vesting in the said Ann Thomas, and that the said 5000 l. Portion, Limitted by the last Settlement, ought to be raised by Vertue of the said Terms, and stand charged upon faid Estate, together with several Summs for Maintenance for the said Ann, at her Age of 16 Years, and from thenceforth full Interest for the said 5000 l. and Decreed an Account of the Profits of the Trust Estates, from the Death of Sir Edmond Thomas, to the Death of the said Ann, but gave no Direction how the same should be Applied, nor reserved the consideration thereof, neither is it referred to a Master to Compute the said

From which Decree the Appellants do Appeal. For that the said Portion of 5000 1. (designed as a Provision for the Daughter, in case she should have nothing else) ceased when the reason and Occafion of raising it ceased, and that was as soon as the Estate and Inheritance, out of which the Portion was to be raised, Descended, and came to the said Ann Thomas, for it is against reason that her own Estate should be Debtor to herself, and the Portion being once ceased, and the Estate Discharged of it,

5000 1. and Maintenance Money, and Interest, but that upon Construction of the Trusts, only one 5000 1. ought to be raised.

the same ought to remain Discharged in the Hands of the Appellant, to whom it is Descended. Whereas it is insisted by the Respondents, That the Portion is Revived again by the Nuncupative Will, whereby Ann gives to her Mother, and half-Brother and Sifters, all that was in her Power to give.

It was not in the Power of Ann, to Revive this Portion by any Nuncupative Will, or to continue it as a Charge upon her Inheritance, because she was an Infant, and although the should have made any Deed by Express Words to Charge the Portion, or had appointed it to be raised out of her Inheritance. fuch Deed would have been Void, by reason of her Infancy, much less could she do it by Word of Mouth.

But it does not any way appear that Ann had any thoughts or Intention of giving away this Portion, or that there was any Discourse about it, but all that can be prefum'd the meant by this Gift, was the ready Money and Jewels, and other things which her faid Grand-mother (the Lady Morgan) had given her. The Respondents themselves laid no stress upon this Nuncupative Will, but took out Administration to Ann, and never set up the Will till Seven Months afterwards, when the Minister did swear the same from his short-hand Notes, and the Appellants knew nothing of those Proceedings, nor if they had, could they by the Course of the Prerogative Court have opposed them. And the Respondents having got a Probat under the Seal of that Court, it was read in Chaneery, and by the Course of that Court the Appellants could not draw that Matter into a new Examination there.

It will be objected, that Sir Edmond Thomas, the Infant, received the Rents and Profits of the Estate, and purchased several Lands which is enjoy'd by the Appellants.

The Lady Kemeys did with the Profits of the whole Estate purchase about 201. per Ann. in the Name of Sir Edmond, and no more, but all the rest of the Profits came to the Respondents. It will be objected that the Appellant the Lady Thomas is a remote Heir.

She is only Sister of Edmond Thomas, who made the Settlement in 1674, and being Heir at Law, ought, with Submission, justly to have more fa-

vourable Regard than an Administrator of an Administratrix in all Courts of Justice. The Lady Kemeys for a Portion of 5000 l had a Jointure of 800 l. per Ann. dispunishable of Wast, by vertue of which Power of Wast Sir Charles

has Cut down about 1000 1 worth of Timber and Wood, and particularly hath Cut down Groves, that were Ornaments of the great Seat of the Family at Rupera, and destroyed the Deer there. And the Respondents (who would have this Portion raised) receiv'd the Profits of the Estate for 17 Years lyable to the Portion, have likewise gained

15 Years Profit of the rest of the Estate not in Jointure worth 1300 l. per Ann. which Profits were received as the Lady Kemeys, was Guardian to Sir Edmond as aforesaid, and they have Also received about two Years Profit more of the same Estate as the Lady Kemeys was Guardian to Ann, her Daughter, and also received the Profits of Another Estate worth 700 l. per Ann. during both their Minorities, which last mentioned Estate is gone away from the Appellants to another Family.

After this Cause was, by the Order of this Honourable House, Ordered to be heard on the 3d of April, the Respondents thought fit to bring a Cross Appeal, complaining that both the Portions of 5000 1. with Interest are not appointed to be raised by the said Decree, and by the same Appeal do desire that the faid Decree in that respect may be alter'd and rectified.

There seems to be no Colour of reason why any 5000 1. ought to be raised, but as to the Demand of the two five Thousand Pounds it appears, upon comparing and confidering both Deeds, that the only reason that this last Settlement in 1676 was made, was because at that time there was a Son and a Daughter of that Marriage (namely Sir Edmond and Mrs. Ann) and by the first Settlement in 1674 there was no Provision for Daughters but in case of Failure of Issue Male, so that there was at that time a Necessary to make that Provision for Daughters by the Settlement in 1676.

And it is further to be Observed, that the 5000 l. demanded by this Cross Appeal, did not become due to the faid Ann till after she was possessed of the Inheritance of the faid Estate.

Wherefore the Appellants humbly pray that the said Decree for raising the one 5000 1. Portion, and Maintenance, and Iv

terest may be reversed. And that the Cross Appeal of the Respondents may be dismissed with Costs.

William Dobyi



#### THE

### CASE

O F

Sir John Thomas, Baronet,

AND.

Dame Elizabeth, his Wife, Appellants.

Sir Charles Kemeys, Baronet, and others, Respondents.

To be heard on This day, the Thirth Day of April 1701.

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H = 21.

OF

Michael Burke, William Burke, James, Ulick, Thomas, John and Edward Burke, Sons of John Burke, called, Lord Bophin, Minors under Age.

SHEWETH,

HAT William, late Earl of Clanricard, the faid Children's Grandfather, did by Deeds of Lease and Release, bearing date the 12th and 13th Days of June, Anno Domini 1676. and by several Fines duly acknowledged, convey and settle several Mannors, Lands, Tenaments and Hereditaments, to the Use of himself for Life, the Remainder to his Three Sons, Thomas, Ulick, and William Burke, by his Second Wife, for their respective Lives, the Remainder to the said Releasees during their respective Lives, for the Preservation of the Contingent Estates limited to their several Sons in Tail Male, with cross Remainders in Tail to the said Thomas, Ulick, and William Burke, the Remainder to the said John Burke, the said Childrens Father, and second Son of the said Earl William, by his first Wife the Lady Levitia Burke, alias Sherly, for Life, with the Remainder in Tail Male to his several Sons, which did vest in the said Children.

That the faid Thomas Burke and William Burke died before the late Wars in their Minority without Iffine.

That the said William, late Earl of Clanricard, died in the Month of October 1687; and that the said Ulick Burke, created Lord Gallway, did survive him, and was attainted of High-Treason in the late Wars in Ireland, was killed at the Battel

of Agbrim, and left no lifue.

That the faid Children have entred their Claims to their faid Remainder before the Trustees appointed for putting the late Act for Disposing of the Irish Forfeitures in Execution, but are now informed, that by the Clause in the said Act, which cuts off Remainders on forfeited Estates Tail, they will be barred and deprived of their said Remainder by the said Settlement, by Means of the said Lord Gallway's Attainder, and of the cross Remainder in Tail limited to him, tho' he by no Act of his could barr their Remainder, his first Estate being only for Life, and there being Trustees appointed for supporting the contingent Remainders; and therefore (as is humbly conceived) not without the Intent or Meaning of the said Clause, which barrs Remainders on Estates Tail Only: For it can never be intended that the Parliament designed to barr any Remainder on a forfeited Estate Tail, but where the Tenant in Tail might before his Attainder barr the same, which he never could in this Case, the Intail being after that paticular manner limited to him, yet by the Construct ion made on the said Clause, the said Children are in Danger of losing an Estate, which was actually vested in them before the late Wars, and did so continue until the said Act of Parliament passed; and of which, by no Act in Law they could be barred, as by the Settlement thereof ready to be produced may appear.

That the said William, late Earl of Clanricard, did in the Year 1679, by Deeds and Fines duly Levied and Executed, settle another Part of his Estate on himself for Life, the Remainder to Rickard Lord Baron of Dunkellin, then Son and Heir apparent of the said Earl William, and now Earl of Clanricard, during his Life, the Remainder to his several Sons in Tail Male; the Remainder, for want of such Issue, to the said John Burke, the said Childrens Father,

for Life; the Remainder to his several and respective Sons in Tail Male, which vested in the said Children.

That after the Death of the said Earl William, the now Earl, or those Acting for him, Concealed the said Settlement, and Claimed the Estate thereby Settled as aforesaid, in Fee by Descent, as Heir to his said Father, and Sold and Disposed of Part thereof accordingly; and neither the said John Burke, the said Children's Father, or any concerned for him, or the said Children, ever knew or heard of the said Settlement, and did never pretend to any Right to the said Lands, believing the same to be in Fee by Descent in the now Earl.

That this Settlement continued thus concealed, until of late some Body intrusted with the Secret, Discovered the

the same to the Trustees appointed for putting the said late Act in Execution.

That the now Earl, who has only an Estate for Life by the said Settlement, is under no Attainder, is adjudged within Articles, and has no Issue Male; and all that is Forseited, or pretended to be Forseited by the said Settlement, is only the Remainder the said John Burke (who is Attainted of High Treason) has for Life, after the Death of his Brother the now Earl, without Issue Male; yet the said Children do apprehend, that because they did not Claim their said Remainder pursuant to the Proviso in the said late Act of Parliament by the time therein Prefixed, they will be thereof Barred, tho by the very Settlement now Discovered, and which Creates the Forseiture, their Right appears, and that the Forseiture is only during their Father's Life; and tho they knew nothing of their Right until the time Prefixed for entring of Claims Elapsed, and therefore can never be Argued of neglect in not entring a Claim to a Title they knew nothing of.

Inasmuch therefore as the same Deed which discovers the Forseiture, does likewise make out the said Childrens Right as aforesaid, and that it was impossible for them to Sue for the same by way of a Claim by the time in the said

Act appointed.

'Tis humbly hoped, That the Honourable the House of Commons, in tender Compassion to the said innocent Children, (the two eldest of them being educated Protestants in Eaton-Colledge) and to prevent their being disinherited of an Estate which has continued in their Family for above Five Hundred Years, will admit them to enter their Claim to their said Remainder before the Trustees, and likewise on the particular Circumstances of their Case will preserve their said other Remainder, by explaining in their Favour the said Clause which cuts off Remainders on sorfeited Estates Tail; their Remainder, as set forth, and as appears by the Settlement thereof, ready to be produced, being never within the Intent or Meaning of the said Clause.

#### THE

### CASE

O F

Michael Burke, William
Burke, James, Ulick,
Thomas, John and Edward Burke, Sons of
John Burke, called Lord
Bopkin, Minors under
Age.

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### CASE of Sir George Wheeler, &c.

RELATING

To his Petition delivered Feb. 6. to the Honourable House of Commons, in Answer to a Paper, Entituled, The Case of the Inhabitants of the Hamlet of Spittle-Fields, &c.

T is with great regret, that Sir George Wheeler finds himself necessitated to vindicate his own Reputation, by laying open the Blemishes of a Brother Clergy-man, whom he had once hopes to have found always better employed than in dispersing and abetting a Notoriously Scandalons and Groundless Libel: But since he has undertaken to maintain all the Particulars thereof, he must expect to be treated as the Known, as he is yet but the supposed Author of it.

What Sir George has to offer in these Papers to this Honourable House, as he tenders it with the greatest Respect and Submission, so he hopes it will be as candidly accepted of; and he promises to alledge nothing either in his own desence, or against Mr. Milbourne, but what he knows himself capable of proving, whenever required.

#### His CASE then is as follows.

HE greatest part of the Ground now built in the Hamlet of Spittle-Fields, having been the Inheritance of Sir George Wheeler's Ancestors, and the most part of that being now in his own Possession; being upwards of 25 Acres of Ground, according to an Ancient Survey made before it was built upon: The said Sir George, soon after it came into his Possession, saw indeed the Place to be very Populous, and sar distant from the Parish-Church of Stepney; and from that time did consult at several Meetings with the Reverend the Vicar of Stepney, and others of the Inhabitants, what ways could be thought of most effectual for the Erecting of a Publick Chapel of Ease or Church: And then it was, that for the better promoting of so necessary a good, He voluntarily Subscribed Five hundred Pounds, upon Condition, that the Inhabitants would raise Five hundred more; which Design, upon a failure on their Parts, His Adversaries do him the Ji-

Nevertheles, Sir George's Good and Charitable Intentions still continued; and what he found not feasible by their Assistance, he has in some measure accomplished without it.

To this end he bought of his Tenants the remainder of a Lease, which gave him present Possession of the most convenient Ground He could pitch upon, being situated near the Center, between the Hamlets of Spittle-Fields, Northern Fall-gate, and the Old Artillery-Ground.

Upon this Ground in the year 1693. He did erect a Tabernacle, or Chapel; nor does he think that it lessens his Charitable Designs; that He had the Advice and Assistance of Mr. Tho. Seymor, Gold.

Sinith, a very Worthy and Pious Gentleman; who, upon the Account of a Free-School, set up by his means in Northern-Fallgate, for the Teaching, Instructing, and Catechizing of 60 poor Children and the Characteristic of the Teaching of the dren, both annexed the same to this Chapel, and was also otherways a considerable Benefactor. To this he added Ground adjoining to it, for an Enlargement to Bury in, and has added a House for the Minister, and three others for Under-Officers.

Sir George did indeed intend a larger Structure then is at present; and had cut down a considerable quantity of Timber in order to it; but being informed, and by his own Experience affured; that though these Parts were very numerous, yet the greatest number of Inhabitants by sar were French and Walloons, and as such had several Publick Places for their Worship; and also, that the greatest part of the remaining English were Differences from the Church of England, and as such had a competent Provision of Meeting-Houses for themselves; He was therefore advised first to try how far a lesser Place would be serviceable; which is the present Chapel; capable (if need be) of a much farther Enlargement, and with a moderate Charge.

And Experience has shewed, that the present bigness is such, that none can remember it was ever so sull in its greatest Prosperity, but it might be able to hold more: And certainly not long since

it was thought big enough for them, other wife they would not have Combin'd by a Riot, and a Vexatious Law Suit, to have dispossested him of it. However Sir George's Benefaction has been vilified by this Libeller, yet he can make it fairly appear, that he has already, and further defigns, if not prevented, to expend much more about it

than what would make up the Sum of his first Subscription. On this indeed the Conformable Mr. M. loourne adventured, unfortunately recommended to Sir George, and by Sir George, in the nature of an Affistant, and no otherwise, to the Inhabitants of the

feveral Hamlets: Sir George always designing (as far as his other Station in the Church would permit) to Minister there during his pleasure, as the Canons do allow, and his Zeal for Gods Glory And indeed Mr. Milbourne might to this day have enjoyed a quiet and peaceful Possession, together with Sir George, (who perform'd his Ministry gratis, and lest all Profit to Nr. Milbourne) had

not his repeated Insolences and Affronts, both in Publick and Private, both in the Pulpit, and in the Coffee-House, distracted his Congregation, and so forced Sir George to bring him either to his Better Behaviour, or else to his Removal.

Better Behaviour, or elle to his Removal.

Sir George does not deny but that he promified a Donation of his Tabernacle, with the Appurtenances to the Hamblets aforefaid, but never intended fo to give it, as either to exclude his own Miniftry, or that Approving Right which he always thought necessary to be lodged in himself, and his Heirs Male; as thinking it (according to his Scheme of Settlement) to be most for the Peace and Benefit of the People: To which end he did cut off the Intail, and had long ago settled it, had not his and their continual Disturbances hindred him; but positively denies that he either has, or intends so to Settle it in himself; bit Heirs Male, or Lincoln-College, as to exclude the Free Election of the Inhabitants, limited only for their certain Benefit and Quiet.

The Choice of Mr. Milbourne was as first really Congranulated by Sir George; believing him to be a Consormable Clergy-Man, as he promised in his Letters (which Sir George has yet to produce,) and as such he was moved by Sir George; bit take out a License, after he understood that he had Officiated for some time without any; (such a License as was agreeable to his Station:) But that Sir George moved him to take a License to be Currate of the Place, either in Prejudice to the Vicar of Stepny's Interest, or his own, is impudently False; though it be Notorous, that he immediately prefumed thereupon, so far to intrench upon the Vicar's Rights, as to incurr a formal Suspension, which was accordingly granted by the Commons, and publickly Read inStepny-Church. Nor was his Intrenchment upon Sir George's Interest less visible; his design being (and more than is alledged against Sir George) to take upon bimself (not only) as Minister, but as sole Minister of the Tabernacle; though he could not but be sensible that he did Sir George great Injustice thereby, what by selfening his Doctrine, and vilifying his Person, by making Partie against him, by giving Signals when Sir George Preached, on purpose to create Disturbances: All which, with m

Occasion for his Pulpit, having another provided for him.

The Unlicensed Clergy-Man that Sir George is Said to give possession of the Reading Desk to, had been for some time a Publick Preacher and Lecturer in the City, and one whom M: Milbourn had employed to Officiate formerly in the same Place for him; so that the Crime (if any) equally respects both. And that Sir George should Seat himself in a Chair before the Pulpit Stairs, during All the time of Prayer to prevent Mr. Milbourn's Preaching, is so notoriously disagreeable to his Constant Behaviour and Deportment in Divine Service, as is not to be Credited by any who knows him. What forced Mr. Milbourn's Followers (which we deny to be the greater or the better part of the Congregation) to hire him a large Throwster's Shop, is best known to themselves; Sir George denies that he forced them to it; and that they are there fixed by and with the express Order and Consent of our Right Reverend Diocesan, he thinks he has just cause to disbelieve.

Sir George does indeed still Officiate in his own Place, which he does by the repeated Approbation, Consent and License of the Lord Bishop of London; and also hath a Reverend Minister and Ma-

ster of Arts to be his Assistant, who duly Ministers, Preaches and Catechizes, Reads daily Prayers Morning and Evening (which is more than ever the Conformable Mr. Milbourn could be perfwaded to) whose Election was as fair and as publick as Mr. Milbourn's, and upon the same Terms recommended to Sir George, not only by the Major Vote, but by repeated Testimonials from his College, and from the Reverend Rector, the Vestry, and several of the Inhabitants of the Parish of St. Anne's Westminster; in whose Preaching, Officiating, and Pious Life and Converfation they have Reason continually to express a great deal of Satisfaction. And in this only the said Sir George and the Inhabitants ever since Mr. Milbourn's abrupt Departuse, have remained not only undisturbed but very well pleased and contented: Who, if he have not taken out a License, it is wholly to be imputed to the various Disturbances given to Sir George, and consequently to him ever since his first Election, and for no other Reason.

Sir George has a full Congregation, which, if examined into, will be found to confift chiefly of the Inhabitants of Spittlefields, and not only of fuch of them, whom the nearness invites to him, but of several at the greatest distance from his Tabernacle, nay of some who are very near Neighbours of the Throwster's Shop. He has also a great many Pious Inhabitants of the two other Hamblets, Northem-Fallgate, and the Old-Artillery-Ground, for whose joint-sake with the others his Tabernacle was, with the Lord Bishop of London's Approbation, erected.

Only ('tis said) he refuses to repay that Money which many of the Inhabitants, out of their very streight Circumstances, had laid out in Seats and Galleries: Which will not appear strange, if it be considered, what a great Charge they have since put him to, by endeavouring to Disposses him of his Undoubted Rights, which he has been forced to maintain at great Expence in the Courts of both Common and Civil Law; and yet he has more than once offer'd them, That what they can shew recoverable by Law under the Hands of some Eminent Lawyers, shall faithfully be repaid to whom it is pretended due, without the Trouble or Charge of a Law Suit. And however Streight the Circumstances of his Opposers are now pretended, yet it is not long since in a Riotous manner they resolved to join Hearts and Purses to deprive him of his Lawful Purchase.

But Sir George is charged, with endeavouring to keep up Fends and Contentions among the Neighbourhood. He hopes it has been already proved, who has been the Chief and the only Fomenter and Contriver of these, viz. He who has not only Practised but Preached them, as we are able to prove.

Whether the Reverend Mr. Wright, our Vicar, approves of their Request, Sir George is not credibly informed; but so much he knows, that when Mr. Milbourn came first to Officiate in this Chapel, the Reverend Vicar did declare, That no greater Mortification ever besel him, than that of Mr. Milbourn's coming into his Parish; knowing his Temper from his Collegate Circumstances, and his Turbulent Deportment in all Places he ever resided in.

Sir George acknowledges his Advantage over him in crying out first; but if the many Reports of his various Miscarriages at Tarmouth, at St. Helens, and his Ingratitude to his Worthy Friend, Dr. H—worth, may be credited, the World will not so easily judge Sir George Wheeler guilty of his Scandalous Accusations. He openly Pretends to have the Lord Bishops Approbation of their Pe. tion, but if they have, Sir George is certain it was Surreptitionsly gained, fince his Lordship assured, he thought it had been his Petition when he saw it.

Sir George once thought he should never have been brought upon the Stage as an Opposer of so Pious a Work as building of Churches, and he dares appeal to all that know him without prejudice. whether such an Undertaking be not very disagreeable both to his Actions and his Character; however he is perswaded, that whilst he vindicates this his present Cause, the Justice of it will vindicates cate him, and his Proceedings.

And therefore he believes himself safe in the Moderation, Justice and Piety of this Honourable House, having all the reason in the World to hope they will rather encourage this good Work advantagiously begun, and with so much Charge and Trouble hitherto carried on, than destroy it, through the Importunities of a Faction, begun by Pride, continued by Ingrating Rioss, and supported by Malice.



Sir George Wheeler's C A S E, &c.

### The CASE of the Lady Bridgman:

### A Real Mortgagee of an Estate in Essex for 20001. Principal-Money.

Upon the PETITION of Josiah Thwaites, who pretends Title to the said Estate.

15 June 1683.

12 Dec. 1678. ILLIAM THWAITES being Owner of the said Estate, settles the same to the Use of himself and his Wife for their Lives; Remainder to Thomas his second Son, and Frances his Daughter, and their Heirs. Upon the Death of William and his Wife, and Thomas, without Issue, this Estate vested in Frances, who in-

termarried with one Mr. Dye.

That after Marriage, Dye enquiring for the Deed of Settlement, and finding it in the hands of one Mr. Heath, (who was Guardian, or concerned for the Heir at Law,) and that the same was razed, and the Name of James, the Heir at Law, inserted, instead of Frances the Daughter.

The said Dye and his-Wife brought their Bill in the Exchequer, to discover and be Relieved against this practice. Trin. Term 1682.

After an Hearing in Equity, a Tryal was had at the Bar of that Court by a Special Jury of Gentlemen; who, after a long Examination of Witnesses, gave a Verdict, That the said Deed of Settlement was razed after the Execution thereof; And that the Name of James was inserted instead of Frances; and the said James and his Friends appearing to be fully satisfied therein, and not pretending any surprize or want of Witnesses,

A Decree was made according to the said Verdict, for the Right and Title of the said Dye and his Wife; and they qui-

etly enjoyed the Estate for many Years; and afterwards wanting 2000 l. upon a Mortgage thereof,

The Lady Bridgman being advised she might safely lend her Money upon a Title so solemnly settled and determined by

the said Tryal and Decree, did lend the said Dye and his Wife 2000 l. upon a Mortgage of the said Estate.

That after the Lady had parted with her Money, the said James Thwaites Appealed from the said Decree, and Obtained an Order for a Second Tryal, if he should think fir: But the said James upon Enquiry, being, as is believed, well satisfied of the Truth of the Case, sate still for Eight Years after, and never offered to Try it again; but died about Three Years ago.

That since his Death, the Petitioner Josiah Thwaites, his Son and Heir, in Trinity-Term last did bring the Cause on to Tryal, and (as the said Lady Bridgman hath reason to believe, being under-hand assisted therein by the said Mr. Dye, who hath Mortgaged and Incumbred the Estate to the full Value thereof, and is a Prisoner, and unable to pay the said Mortgagemoney) hath obtained a Verdict different from the former Tryal; And hath now Petitioned to have the first Decree Reversed, the Consequence whereof must be the total Loss of the said 2000 l. Mortgage-money, and near 1200 l. due for the Interest of the same.

The Lady Bridgman humbly hopes your Lordships will be pleased to Grant her another Tryal in this Case, and an Order for to give in Evidenceher Mortgage upon such Tryal.

I. For that She is an Innocent Mortgagee, lent her Money upon the Faith and Credit of the Tryal at Bar, and the Decree of the Court of Exchequer grounded thereupon, after an Acquiescence under thatvery Tryal and Decree for many Years; and although for part of that time the said James Thwaites was a Minor, yet for about Ten Years before his Death he was of full Age.

11. For that the laid James Thwaites, after he had leave to Try the Cause again, sate still for at least Eight Years

together, and never proceeded therein, being all that time of full Age.

III. For that the first Tryal was a most solemn Tryal at the Bar, and brought to Tryal when Matters were fresh, and in memory, and when several Witnesses were living, of whose Testimony the said Lady at this second Tryal was deprived by their Deaths; And too much relying upon the former Tryal, and so long a Possession, made her Agents more carelels in these Matters.

IV. For that the last Verdict, as she humbly conceives, was against the Weight of the Evidence; And upon which Matter, in case the Cause had depended in Westminster-Hall, she hath great Reason to believe the Court would without difficulty have granted her a New Tryal, and not have for ever concluded her Right thereby, especially when at most there is but Verdict against Verdict; and so in Justice she is Intitled to another Tryal: And also, when she hath great Reason to fear, that Mr. Dye the Mortgagor having made the most of his Estate, is, in the bottom, in the Interest of his Nephew to defeat the Mortgagee of her Money.

And when the said Lady applied to the Court of Exchequer for another Tryal, she was Justly answer'd, That the Cause being before your Lordships, and the said Tryal being by the Direction of the House of Lords; therefore the Court of Exchequer could do nothing therein : And she being for ever disabled, without your Lordships direction, to Try this Matter again 5

> The said Lady humbly prays, that your Lordships would be pleased to Grant her a New Tryal in this Case, and then she doubts not but to satisfy your Lordships and the Jury of the Razure of the said Deed after it was executed, and of the Justice of her Cause herein.

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The Lady Bridgman's Cale

To be Heard at the Bar of the Montarof.

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Sir Joseph Tily Km. and Dame Deborah bis Wife, Reliet and Administratrix, with the Will annex'd Appellants. of Sir John Roberts Baronet deceased,

William Wharton Esq; and Respondents. Eunice bis Wife,

### The Appellants C A S E.

HE Respondent Eunice being a poor Relation of Sir John Roberts, liv'd for some time in his Family, till she signally disablig'd him, for which be turn'd ber out of doors.

The faid Sir John intending to fettle his Estate, was inform'd that the faid Eunice could counterfeit bis Hand-writing exactly; and that the and

others had boasted they would entangle his Estate after his Death.

Upon which the said Sir John went to Sir Anth. Keck, and by his Advice fil'd his Bill in Chancery against the said Eunice, Ann Brome her Mother, and others, charging them with Contrivances to intangle his Estate, and that they pretended to have some Bends, or other Securities from him. The Respondent Eunice and her Mother put in their Answer and Disclaimer to the said Bill, and positively deny'd that they had any Bond or Writing executed by the said Sir John, or from him, and disclaimed all Right and Title to the Estate, Matters and Things in the Bill mentioned.

After which Answer Sir John convey'd his real Estate to Trustees in Aid for Payment of his just Debts, and afterwards to the use of the Appellant Deborah.

Then Sir John made his Will, and gave the Surplus of his Estate real and personal to the Appellant Deborah, and dy'd in December 1692. and Administration Will April 4 was granted to her.

About fix weeks after Sir John's Death, the Respondent Eunice pretended that the said Sir John had given her a voluntary Bond for payment of 1500 1. after Bond in question his Decease, and that the same was witnessed by Hugh Preston, John Shelton, and John Webb, and that the same was dated the 23d of October, 1690.

The Appellant Deborah was well affur'd Sir John never gave any such Bond, not only by reason of the said Disclaimer, and of Sir John's solemn Resolution many years before never to fign any Bond, but because the pretended Witnesses to the Bond denied they ever saw it executed.

The Appellant for these Reasons refusing to pay it, an Action was commenced in the Exchequer by the said Eunice against the Appellant Deberah, and upon non est factum pleaded, after the Witnesses to the Bond in question were examined, and full Evidence given on both sides, and thereupon the faid Eunice suffer'd a Non-fuit, which in fuch case is stronger than a Verdia.

The faid Respondent brought another Action in the King's Bench, and upon the like Plea of non est factum, and upon full Evidence, the Appellant Deborah 2d Trial Mich. Term 1593. obtain'd a Verdict against the said Eunice, and against the said Bond.

The Appellants Attorny neglecting almost three months time to enter up Judgment, the said Eunice got a new Trial at Bar, and obtain'd a Verdict: the Ap-3d Trial East. pellants about that time intermarried, and being in the Country, order'd their Attorny to move for a new Trial against the said last Verdict, which he likewife omitted to do according to the course of the Court, so the Respondent by the Attorny's neglect had Judgment.

The Respondents fil'd their Bill against the Appellants and others, who were Sir John's Trustees, to compel the Sale of the real Estate for payment of the Bond in question.

The Appellants by their Answer confess the Trust, but insist amongst other things, that they had discover'd several new matters that would plainly evince the forging of the said Bond.

Upon two solemn Hearings before my Lord Chancellor, it was order'd that the Appellants might examine Witnesses in the said Cause, as they should be advised; Witnesses were accordingly examin'd, and the Respondents join'd in it, and the substance of the Appellants Proofs consist in these Particulars, viz.

That Sir John Roberts many years before the date of the Bond in question, resolved never to enter into any Bond; the occasion is prov'd, and that he observ'd it to his Death. That the said Eunice had signally disobliged him, that he was hardly prevailed with to give her a Legacy, but declar'd he did it to keep her from starving.

That the said Eunice could exactly counterfeit the Hand-writing of the said Sir John Roberts so as not to be distinguished. That Sir John being sensible of it, preferr'd his Bill against her, and the 21st of March 1691. she answered and disclaimed, as aforesaid; that the said Answer and Disclaimer was carefully read to her, and considered by her; and yet in her Answer to the Appellants Bill, she swears the Bond in question was delivered

to her in October 1690. which is a direct contradiction on Oath. That the three Witnesses to the Bond in question, swear they never saw it sealed and delivered; and one of them swears, that bis Hand is forged to it, that he believes Sir John's Hand is forged, that he hath feen the faid Eunice, in Sir John's Life time, imitate Sir John's hand exactly; that he acquainted Sir

John of it, which was the occasion of his preferring the said Bill against her. That fince Sir John's Death the Bond in question was sealed with the Impression of the seven Stars, without being cut, or the Paper turn'd down; and now

it appears to be cut, and the Paper turned down, and sealed in an unusual manner with Sir John's Coat of Arms. That Ebenezer Brome, the Respondent's Brother, being ill, did sometime since weep bitterly, and confess to his Doctor, and others, that at the Request of his said Sister and Mother he wrote the said Bond, (dated almost two Years bejore 'twas made) and afterwards confessed to the same purpose before Sir Thomas

The Respondent and her said Mother, at all the said Trials, and in their Answers in Chancery, pretend they never knew who made the said Bond, nor could it ever be discovered before whose Hand-writing it was.

The Cause was heard before the Lord-Keeper, who was pleased to declare he could regard no Evidence to impeach the said Verdict, except there was the Confession of the Party, or a Conviction of Perjury, or Forgery, and decreed that the Trustees should sell so much of the Estate as would satisfy the Respondents the Principal, Interest, and Cost.

the Depositions read, and Bond produced, &c. his Lordship confirmed the former Decree, with this, That the Appellants The Cause came to be Re hea March, 170%. should release Errors on the said Judgment.

From which Decrees the said Sir Joseph Tily, and the said Dame Deborab his Wife, have appealed to your Lordships in Parliament, and humbly hope the same shall be reversed for the following Reasons, viz.

The Respondent Eunice's Answer and Disclaimer, as these Appellants are advised, is beyond all Evidence whatever, and amounts to the strongest Confession of the Party, within the very words of the Decree; and therefore the said Decree, as is humbly conceived, is opposite to the Oath of the Party remaining upon Record in the same Court.

The Witnesses to the Bond in question have sworn, at all the said Trials, they never saw Sir John Roberts execute any such Bond; which (being true in fact) they cannot be convicted of Perjury; neither could the Appellants convict the Respondents of Forgery (the Bond being in their Custody) unless the Court had decreed the Bond to be deposited for that purpose.

The Appellants have a Nonfuit, and a Verdict upon full Evidence, against the Respondents single Verdict; and therefore the Appellants ought not to have been finally concluded, especially after such new and manifest discoveries of the Forgery, since the last Trial.

The Respondents coming into a Court of Equity, for the execution of a Trust, to pay just Debts, the Equity of the Debt demanded ought to have been enquired into, when the Respondents themselves had thereby laid open the whole Cause, and examined Witnesses to prove the said Bond by similitude of Hands, and other Circumstances; and yet all the pretended Witnesses to the Bond are still living, which the Respondents would not examine.

The Evidence of the Witness that swears to the Alteration of the Seal, is strengthened by comparing it with the Bond in question, where the Seal is made with hard Wax, upon a distinct piece of Paper, and fix'd to the said Bond; and the place where the former Seal was fixt, is torn or cut off.

The Decree obligeth the Appellants to release Errors on the said Judgment, when these Appellants have by Law, as they are advised, a Right to bring a

Writ of Error in this Honourable House upon the same, as well as to Appeal.

One Henry Palmer an Attorney, and one John Lovell a Proctor, have confessed in their Answer to the Appellants Bill, that they are at all the Expence of the Profecution against these Appellants, and that the said Bond and Judgment were assigned to them, pendente Lite, which these Appellants are advised is in the Nature of Maintenance, and the doing of one illegal Act to support another.

Fames Stoanes

Hill. Term. 1691-21th March,

Deed of Settlement, Mar. 30. 1692.

1591.

Mich. Term,

1597.

Orders, 11th March 1698. 4th July, 1699.

Note. 1700.

Note.



## C A S E

Sir Joseph Tily and Dame Deborah his Wife,

Appellants;

Against William Wharton Esq; and Eunice his Wife

Respondents.

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### CASE

Of the City of LONDON against the Bill for Confirming a Patent for a Market for Live Cattel in BROOKFIELD.

ING Edward III. primo Regni sui by Charter in Parliament granted to the City, that there should be no Market within seven Miles thereof. The Words of the Charter are—Edwardus, &c. Sciatis nos, &c. de assensu Prelatorum, Comituum, Baronum, ac totius Communitatis Regni nostri in instanti Parliamento nostro apud Westminster convocato existentium concessisse Civibus Civitatis London & Successoribus suis imperpetuum (inter alia) Quod nullum Mercatum de cætero infra septem Leucas in circuitu Civitatis prædictæ per nos vel Hæredes nostros alicui concedatur. Under-written per ipsum Regem & commune Concilium Parliamenti.

Which Charter was confirmed by a particular Act of Parliament Septimo R. 2. and by several Charters and

Acts of Parliament fince.

Not any Market for Live Cattel has been fet up within that Distance, nor any one attempted till 1637. But on several Hearings before the King in Council, it was adjudged inconvenient and prejudicial to the City; and therefore a Stop was put thereunto.

Anno Decimo quinto Caroli Secundi, The Earl of St. Albans obtained a Grant to John Harvey and John Coell in Trust for his Lordship, of a Market for Live Cattel, on Mondays and Wednesdays in Hay-Market-Street, but the same never

took effect.

In 1683. a Grant was passing to erect a Market for Live Cattel at Conduit-Mead, but upon hearing the City in

Council, a Stop was put thereunto.

After Judgment was given against the City in the late Quo Warranto, the Lord Dover 25th of September, in the second year of the late King James, obtained a Patent in the Name of Sir John Coell, That the said Markets might be held at Great Brookfield on Mondays and Wednesdays: And by a subsequent Patent in 1688. the said Market-days were changed to Tuesday and Thursday.

The City's Charter and Liberties being restored under the present Government, they petitioned His Majesty for Relief against the said Grants, who was pleased to refer the Examination to the Attorney-General; and upon his Report His Majesty in Council was pleased to order a Scire Facias to be brought in his Name, in order to try the Validity

of the faid Grants.

In 1695. the City brought a Scire Facias; but Dr. Barbon being interested in the said Grants, and then a Member of Parliament, insisted on his Priviledge, and so obstructed the City's Proceedings therein during his Life.

Since his Death the City have brought another Scire Facias against the Heir of Sir John Coell, and the Cause now de-

pends in Chancery undetermined.

The Granting a New Market for Live Cattel within that Distance, is plainly against the above-mentioned Charters granted to the City in Parliament; which Priviledge as to any Market for Live Cattel they have hitherto enjoyed.

It will prejudice and bring to Decay the City's Ancient Market at Smithfield, which is made very commodious for Sale of Cattel, and under good Regulation by Stat. 22, & 23 Car. 2.c. 19. made to prevent Frauds in Buying and Selling of Cattel in Smithfield, which rectifies feveral Abuses which will not extend to prevent them in this new intended one.

It will bring to Decay the Revenues of St. Bartholomew's Hospital (which is of Publick Use, especially in time of War, for curing of maimed Seamen, there having been above 3000 taken in and cured the last War) which arise from Rents at Smithsteld, which will be much lessened; if this Market be permitted.

Smithfield is capable of containing more Cattel than are brought there to Market, which is the Reason that Wednef-

day is not kept as a Market-day, altho' the same is within the Grant.

Goods are cheaper at one General Market than in several, and prevents Regrating, and other Abuses committed when Markets are near, and Persons buy at one Market to sell at another, to inhance the Price.

Great Numbers of Cattel are fold at the Ends of the Town, which might be, if brought to Market, sufficient to sup-

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Smithfield is capable of receiving all such Cattel, and a great many more; and the buying at the Ends of the Town is a great Loss to the City, and against the Statute made against Forestalling, and an Offence for which the City have

ordered Profecutions from time to time.

Supposing this Market were convenient for a few Butchers at Westminster (the only Persons concerned in a Market for Live Cattel) yet it is hoped such Conveniency will not be esteemed a Reason to disposses the City of a more ancient Right. The same Argument would be much stronger to erect the like Markets at Southwark, Wapping, and all other Parts of the Town: And nothing but an Absolute Necessity (which is not pretended in this Case) will be sufficient to support such a Law.

It has not been usual to pass any Bill (tho' for a Publick Good) that is prejudicial to the Right of any Person, with-

out making Satisfaction to the Party agrieved; as in making Rivers navagable, enlarging High-ways, &c. It is objected, That notwithstanding the City's Grants, there are many Markets in the Suburbs.

They are such as are for things perishable, and of immediate Use, as Flesh and other like things; which Markets

the City do not think reasonable to oppose, altho' they might insist, that the same are within their Grant.

The Honourable House of Commons in 1698, upon hearing the City at the Bar, and long Debate, were pleased to reject the Bill for erecting a Corn-Market at Westminster, in Prejudice to the City's Corn-Market at Queenhithe, which is a parallel Case with this.

Tis humbly hoped this Honourable House will not confirm a Grant so prejudicial to the City of London, and contrary to their more Ancient Grants; but that the Patentees or Persons interested in the said Grants, may be left to try the Validity of the same in a due Course of Law.

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#### The City of London

AGAINST

The Bill for Confirming the Grants of a Market for Live Cattel at Brook field.

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### Sir Bouchier Wrey Baronet, an Infant,

By 7 O H N B U R R I N G T O N Efq; his Guardian; And of Charles Allanson Esq; John Evans and Hugh Evans Gentlemen: Lately Referred to the Committee of Privileges and Elections of the Honourable House of Commons.

Ir Bouchier Wrey Petitioned the Honourable House of Commons, complaining of several forcible Entries, Riots, and other exorbitant Proceedings of Arshur Owen Eligs a Member of the Honourable House of Commons, and about 50 other Persons, his Servants and Dependents, praying, That he might be admitted to take his Remedy at Law and in Equity against the said Member. Mr. Arthur Owen the Benefit of a Recovery had at Law against slim in the Interval of the Sitting of Parliament, for the House and Demesses of Vaynol, lately forcibly wrested from him, and other Matters mentioned in the Petition: And that Mr. Owen's Privilege, as a Member of the said Honourable House, may be waved as to him, and all Persons concerned with and for him, in the Matters complained of by the said Petition.

Since the exhibiting of the Petition above-mentioned, there hath been another Petition presented to the said Honourable House by Dame Jane Salusbury, by which she suggests, that she is a Coparcener, and entitled to Varnol and Demesse thereof, (being the Lands in Controversy) by the same Title as the Member Mr. Arthur Owen, and prays, That she may not be prejudiced in her Possession and Right by any Proceeding upon the Petition above-mentioned against Mr. Owen, and prayed, that she might be heard in the Premisses as to the Matter in her Petition; and at the very Day that the latter Petition was presented, a Complaint was made to the said Honourable House against the said Charles Allanson, and John and Hugh Evans; and against Cadwallader Wynne, and Thomas Bülkeley Esquires, (against which two last-mentioned Persons the said Member hath let sall his Prosecutions) for a Breach of the Privilege of Parliament, for Challenging and Menacing the Member, proceeding against him at Law, entring upon his Possession, distressing his Tenants, rescuing Distresses by sorce, and assaulting and wounding his Servants. All which Matters of the several Petitions and Complaints were referred to the Committee above-mentioned to Examine and Report the same upon Wednesday next to the House.

The Matter of Sir Bouchier Wrey's Petition was proved before the Committee, and the Committee came to these Resolutions, as solloweth.

That Sir William Williams deceased, who died at London, gave it in Charge to Mr. Allanson and John Evans, his Executors, to bury him from his House at Vannal, in his Parish-Church of Bangor in Wales; and John Evans, who was, his Steward, made Provision of Meat, Drink, and Necessaries, at Vannol-Hall

Upon the Fifth Day of March last, 1696. Mr. Arthur Owen, the Member, accompanied with about 50 other Persons, his Domestick Servants, Tenants, and Dependants, forcibly and riotously entred into and upon Vaynol-Hall and Demesse, and afterwards turned out all the late Servants of Sir Williams Williams deceased, (and then of Sir Bouchier Wrey's) then in Possession, by force out of the Possession, and all the Cattel late of Sir Williams deceased thereupon into the Highway, when the Ground was covered with a very deep Snow, without allowing any Necessary Provision for the Men or Beasts, and worried to Death one or more of the said Cattel, and refused the Corps of Sir Williams deceased admission there, by reason whereof he was buried out of Bishop's House.

Mr. Owen the Member, and his Retinue, did break open the Doors of and within Vaynol House and Outhouses, and did eat and drink all the Provisions of Meat and Drink (of great Value) made for the Deceased's Burial, and broke open many Scrutores, Cabinets, Chefts and Trunks at Vaynol, and in another House of the said Deceased at Carnaroon, and carried away Writings and other things found therein, and eat up and consumed the Fodder of Hay and Straw, and the Corn at Vaynol; and used and imbezzeted Linnen, Bedding, Plate, and other part of the Deceased's Houshold Goods at Vaynol, and conveyed away Fire-Arms to the value of 250 l. a large Cedar Table, and other part of the Deceased's Personal Estate from Vaynol-Hall, and the Deceased's House at Carnaroon, against the Consent of Mr. John Evans, the Executor.

Mr. Owen the Member, and his Servants and Attendants, did spoil and waste Vaynol-House and Demesne, by eradicating many Walnut, Lime, and other young Trees planted as Ornaments to the said House, and the Roots and Plants in the best Garden; and did sall many Timber and other Trees upon Vaynol Demesne, and worked and disposed of many of them; and pulled down two Bays of the Lost over one of the Stables at Vaynol, and all the Boards and Joyces thereof; and drained three Fish-Ponds well stored with Carp and other Fish upon Vaynol Demesne, and carried away the Fish thereof to Bodeon, Mr. Owen the Member's Habitation in Anglese, and to Mr. William Winne one other of the Rioter's House, and to Mr. Owen's Friends elsewhere.

thereof; and drained three Fish-Ponds well stored with Carp and other Fish upon Varnel Demesse, and carried away the Fish thereof to Bodem, Mr. Owen the Member's Habitation in Anglesey, and to Mr. William Winne one other of the Rioter's House, and to Mr. Owen's Friends elsewhere.

Mr. Owen the Member, with the said William Winne and many other his Adherents, did forcibly enter upon the Farms of several of the Tenants of the Decedant Sir William Williams, even those by ancient Leases for long Terms in being, made for Valuable Considerations, and by Force and the Menaces of the Breach of the Privilege of Parliament, in case they Resisted, turned the Tenants, Families and Cattle, out of their Possessions, and particularly forcibly broke and enter'd into the several Farms of the said John Evans and Ellin Evans his Mother, being Tenants for long Terms yet to come, made for valuable Considerations, and turned their Goods and Cattle out of Possession and dispossessions, and by Menaces, and by such Unwargantable Practices forced some of the Tenants to Attorn Tenants to Mr. Owen in tears against their Will.

That in Easter Term, in the Interval of the Sitting of the Parliament, Sir Bouchier Wrey by his Lesse brought his Ejectment in the Exchequer against Mr. Owen and William Wrime (Tenants in Possession of Varnol and Demesse) audaster several motions and other regular Proceedings at Law the 17th of November last, before the Sitting of the Parliament, that Cause came to be tryed at the Exchequer-Bar by a Shropshire Jury, but Mr. Owen the Member, (though Sir Williams Williams the Lawyer and others of his Council were then present) made no Desence therein, but menaced that Court with the Privilege of Parliament, and therefore Sir Bouchier Wrey by his Lesse had Judgment at a very great Expence, upon which Judgment, Possession was delivered to Sir Bouchier Wrey's Lesse the First day of December last, and after that he had been forced to Gratisse the Sheriss with Twenty Guinea's, and to give him a Bond of 500 l. to Indemnssion in an against the Privilege of Parliament, he by his Servants had and continued the Possession thereof till about Five of the Clock in the Morning of the Last Day of the same Month of December, when Nine of Mr. Owen's Dmesticks, accompanied with about 30 or 40 other Persons forcibly Enter'd Varnol House, and Assaulted and Beat Sir Bouchier Wrey's Servants, and turned them out of Possession, alledging that they did so, and took. Possession for Mr. Arablus Owen the Member, and by Authority of Parliament, which was a far Better Authority than the Sheriss had, when he gave Possession the Committee by the Petitioner, Sir Buchier.

Mr. Owen the Member, produced as Witnesses, William Wynne and Thomas Davies, who were concerned in most of the Riots above-mentioned, and proceeded against by Information, and Indictments found for the same. Whomas Davies, who were concerned in most of the Riots above-mentioned, and proceeded against by Information, and Indictments found for the same. Whomas Davies, who were concerned in most of the Riots above-mentioned, and promittee came to a Resolution that it was their opinion, That the Servants of Mr. Owen the Member, were Guilty of the Forcible Botty on the 31st of December last, and that Mr. Owen the Member, in the matter of forcible Entry and Detainer, ought to have no Privilege of Parliament.

As to the Lady Salusbury's Petition, no Council or Witnesses attended for her to make good her Allegation when called in, though the Respondent's Council attended, and therefore, and upon reading the said Petition, the Committee were of Opinion. That there was no matter of Privilege in her Petition.

As to the Complaint concerning Mr. Allanson, John Evans and Hugh Evans, The Persons produced against them were Hugh Morgan, Richard Owen, and the said William Wyme, all concerned in the Riots abovementioned, and Hugh Morgan, after having prevaricated with the Committee, by refusing to Answer in English, averring he could speak none, till after that it was proved upon him, that he could speak English, Declared that the said Hugh Evans (one of Sir Bouchier Wrey's Tenants and Agents) after that several of his Neighbours had been harasted and disturbed in their Possessions, uttered some Menaces of Mr. Owen and Sir William Villiams the Members, in Case they invaded his Possession, and that upon the last Riot at Vasmi, he did at a distance assault one of the Rioters who was a Tenant, and a Day Labourer to Mr. Owen; and the said William Wyme Deposed, that Mr. Allanson had menaced him in the Inteval of the Sitting of the Parliament, being Mr. Owen's Attorney at Law; and it appearing that Mr. Allanson and John Evans were the Deceased's Executors, and Mr. John and Hugh Evans, Sir Boschier Wray's Agents and Tenants, and all concerned to Vindicate his and their Rights and his Possession, and the Witnesses produced, being Criminals, upon these and other Considerations, the Committee have resolved, That they are of Opinion, Mr. Allanson, The Evans and Hugh Evans, are not Guilty of any breach of Priviledge.

Tenants, and all concerned to Vindicate his and their legitions, the Committee have refolved, That they are of Opinion, Mr. Allanson, Jon Evans and Hugh Evans, are not Guilty of any breach of Priviledge.

The Matters of Sir Buschier Wrey's Petition, and the Complaints against Mi Allanson, and Hugh Evans have been solemnly examined, and the Lady Salubury's Perition, not supported by any Proof, and we conceive the sam impracticable; For a Mr. Owen the Member shall have none to protect her, who ought to pay S Bouchier Weet's Costs; and Sir Bouchier With having the at a very great Expence, hath sent his Witnesses home.

If Sir Bouchier Wrey, the Infant, after all his Expensive ad Just Profecution shall only be admitted to proceed Criminally for the Said forcibly Entry and Detainer, then he reaps no Benefit by the Proceedings: It is therefore humbly Hoped that he may be admitted to Profecute Mr. Owen the Member and his Adherents, by Civil Alons at Law and in Equity, for all the Matters complained of in his Petition.

recognistrates Demented. With April 10 th the form of the second of the with the production of the constant of the Court was the court of the o Cerco especial anna processa anna a sida de la seconda especial del seconda especial de la seconda especial del seconda especial de la seconda especial del seconda especial de tern leavest microre in other regular Products in the the Land of the state of the state of

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Moucher Mays Case

## The Deplorable Condition of the Assignees of sundry Goldsmiths, Entitled by the Letters-Patents of King Charles the Second, to Annual Sums out of the Hereditary Revenue of Excise.

HEREAS his said Majesty being Indebted to Sir Robert Vyner, Edward Backwell, Esq; and others, Goldsmiths, near Thirteen hundred thousand Pounds, which he stopped in the Exchequer, in lieu thereof and to Enable them to pay their Debts, in April 1677. by his said Majesty's Letters-Patents were Granted to the said Goldsmiths, respectively, Rents, or Annual Sums, after the Rate of Six Pounds per Cent. per Annum, to be paid Quarterly out of the Hereditary Revenue of Excise for ever, unless Payments should be made of the Principal Money and the Arrears of such Annual Sums.

The said Letters Patents were Printed by Order of his said Majesty in Council, for information of the said Goldsmiths Creditors; and by the said Patents were Granted, Directed and Appointed, that Tallies struck for the said Quarterly Payments, should be preserable before any other Warrant, Order, or Direction of any after Date, excepting necessary Sums for Management of the said Revenue, and 122091. 15 s. 4 d. per Annum to the then Queen Consort, also 240001.

per Amum to the then Duke of York.

The House of Peers were pleased on the 10th of July 1678. to pass a Bill for confirming the said Letters-Patents, but that

Sellion soon ending, the said Bill was not Read in the House of Commons.

All which Encouraged many of the Creditors of the said Goldsmiths to deliver up their other Securities, and to take Assignments under the said Letters Parents of the said Annual Sums for what was due to them, and for the said Sums Tallies were struck in the said King's Reign, for Five years and a half, and no more; and by reason of slow Payments thereof, some of the Proprietors by Course of Law recovered their Money on the said Tallies. Whereupon the Lords Commissioners of the Treasury, by their Letters to the Officers of the Exchequer, did forbid their striking more Tallies, without their particular Directions; which caused one of the Proprietors to bring his Petition before the Barons of the Exchequer; but before their giving Judgment, his said Majesty died, and his said Suit abated.

In the Reign of K. James II. the said Letters-Patents were so well approved of, that Tallies were struck for three Quarterly Payments of the Arrears remaining in the former Reign, and the Lord Treasurer, and after, the Lords Commissioners of the Treasury, by their several Letters also forbid the Officers striking Tallies without their particular Directions, whereby Payments were made to and for Lady Day, 1683. and no longer, and the Proprietors durst not then hazard their Title to

the Censure of the Judges.

Upon His present Majesty and the late Queen's coming to the Crown, the Proprietors under the said Letters Patents assured themselves that their Properties were well secured, and expected to have Tallies struck for their Arrears; but they being denied by the Officers of the Tally Court, as by them alledged, for want of a new Warrant from the Lords of the Treasury to strike them, some of the Proprietors made decent Applications to their said Majesties, and to the Lords of the Treasury for their Arrears; but not obtaining any satisfactory Answer; in Hillary-Term primo of their said Majesties Reign, some of the Proprietors brought their Petitions before the Barons of the Court of Exchequer, that they might have the Barons Warrant or Liberate to the Officers to pay their Arrears, and to supply the want of Tallies denied as aforesaid: And in Hillary Term terrio of their said Majesties Reign, the said Barons gave their Judgments at Law for payment thereof; but Writs of Error being brought against the Barons said Judgments, the then Lords Commissioners of the Great Seal ordered all the Judges to give their Assistance, and accordingly before the late Lord Keeper, now Lord Chancellor, by separate Arguments the Judges gave their Opinions, That the Barons said Judgments were good in Law, and ought to be affirmed, only the Lord Chief Justice Treby differed from the rest of his Brethren, as to the Remedy. And in Michaelmas-Term, 1696. the then Lord Keeper declared himself to be of the Lord Chief Justice Treby's Opinion, and Reversed the Barons said Judgment; but until the said Judgment of Reversal shall be upon Record, Writs of Error against the same cannot be brought into the House of Peers, as is intended this Session.

This miserable Case is published to prevent mistakes; and as for the Discourses which have been to the prejudice of the said Patents, they are so erroneous, and had in them so little weight, that the King's Council did not think sit to urge any of them in their Arguments. And since the Proprietors of the said Annual Sums are found by the Judges to have Legal Titles to the Hereditary Excise, and the said Patents by them declared to be a sufficient Warrant to justify the Officers for paying their Arrears, and Annual Sums from time to time without any other Warrant, it is reasonable to expect the Law should relieve them and produce payment, they having neither forseited that Property which other Subjects claim; nor does it appear that any other course of Law, than what they have taken in the Court of Exceptager, can produce Payment of Money out of the

Receipt of the Exchequer; therefore it deserves Consideration,

If the Letters from the Treasury to Controul the said King's Patents for Annual Sums.

The Continuance of a denial of Tallies to them upon pretence of wanting Orders from the Treasury.

The Six Years delays upon the Barons of the Exchequer Judgments by Writs of Error.

Have not been the Ruin of very many Families in this Nation, and brought divers good Subjects into as many personal Calamities as attend Human Nature.

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## OF

### Watkinson,

Mother of Hannah Gooding (late Hannah Knight) an Infant and Thomas Gooding Son of Serjant Gooding.

PON the Marriage with the said Mary with John Knight, Esq, her late Husband deceased, who had with her Five thousand pounds Portion, there was a Setlement made for a Joynter for her, and a Term of Five hundred Years vested in Trustees for raising of Portions for Daughters, and if but one, and no Issue Male, then to raise Five thousand pounds Portion for such Daughter payable at the day of Marriage, or One and twenty Years, with such maintenance as the Trustees should think sit, not Exceeding Sixty pounds per Annum.

Now the faid John Knight had Issue only one Daughter, the afore named Infant. And the said John Knight dying about May, One thousand six hundred ninty and three, his Relations used his Widow very hard and unkindly, which caused her to hasten back to her Father who lived at Chelsea in Middlesex, from whence she applied her self to the surviving Trustees of the Infants Estate for a maintenance suitable to her Daughters Fortune, whom she had put with a Maid to wait on her to a noted Boarding School in the same Town of Chelsea, and under the conduct of one Mrs. Priest, to whom she gave Thirty sive pounds per Annum for her said Daughter and Maids Diat, and Five pounds for Wages, besides the charge of her Cloaths, and other incident expences of the School which amounted to a considerable Sum, and therefore expected an allowance in some proportion answerable thereto from the said Trustees, but after much solicitation and attendance could prevail with them but for Forty pounds a Year, and of that never had but two Payments, in all amounting to Eighty pounds, tho' the Infants Father had been dead almost four Years.

And having placed her said Child at this Boarding School, she resolved to have kept her there till her Years of discretion, not having the lest thought or intention of Marrying her, till finding endeavours were used by her late Husbands Relations (viz.) Ann Knight his Sister, Bridget Taylor one of the Trustees Daughters, and others, to take her away from the said School, so that for her preservation she brought her home to her self, where the like attempts were still made, and Servants tampered with to betray her to them, and this she did for no other cause or end, but that her Child might not become a pray to those who seemed more concerned for her Portion then her Person: Under this difficulty she consulted with her Friends what was to be done to secure her Child, and at last determined, that if she could find a convenient March she would Marry her: After this having a Proposal made to her of Mr. Thomas Gooding the Serjants Son, and having a good account of the Serjant, did admit his said Son to see her Daughter, and after several meetings of the Son, which as she believes was without the knowledg of the Serjant, did direct the Serjant to be sent for to Treat with him concerning his Son, who coming to her, declared his unwillingness to Treat with her singly being a Woman, but rather with her Friends, to whom he would make his Proposals, what he would do for his Son and for serling her Daughters Portion, and making a provision for her in case they Married. Whereupon she appointed one Mr. Whitebead an Attorney, and Mr. Mountery to Treat with the Serjant, who proposed to them to lay out her Childs Fortune (when paid) in purchase of Lands of Inheritance to be settled as a Joynture, and in case she survived his Son without sflue, that the Estate so to be purchased, should come to her and her Heirs; Also the Serjant offered to set le his intrest in the Office of Custos Brevius of the Kings Bench on his Son immediatly upon payment of the Portion, and to charge the said Office with Fifty pounds per Annum, more, as a farther provision for her said Child, with whichProposals she being acquainted, with the advice of her Friends, whom she consulted therein, she and they were well satisfied, and looked upon her Daughter to be thereby well provided for, in case the Marriage took effect. Upon which the aforesaid mentioned Proposals being accepted, they were reduced into Articles, and by advice of her Council settled and executed by the Serjant: Whereupon a License for their Marriage was taken out by her the latter end of September last; at which time she did apprehend and so declared her Daugh her Child might not become a pray to those who seemed more concerned for her Portion then her Person: Under this difficulty she consulted with

#### The Case so far as it concerns the said Serjant and his Son, is as followeth, Viz.

That the Serjant's faid Son ( whom he hath bread in Grays Inn a Student, and is almost at Bar standing ) having incouragment from the said Mrs. Warkinson, the Infant's Mother to Marry her said Daughter, had several meetings with the Mother concerning his Marriage with her without the privity or knowledg of the Serjant, which the Mother promot'd so soon through the unkindness she had from her late Husband's Relations and several attempts to take her said Child from her by indirect means, as is presumed either to Marry her to some one of their own Relations, or detain her Portion from her, till her age of One and Twenty, for the benefit of her Uncle the Heir at Law.

In which the Serjant hopes he hath done nothing unfaire, or otherwise then any Father might justifiably do for his Child, having the Mother's consent and approbation therein, who was her Childs porper Guardian both by Nature and Law, and had the sole disposeing of her, which (as presumed) she hath done without any the least Wrong or Disparagment.

And whereas it is Objected, That the said Serjant knew there was a Bill depending against the Mother and her Husband to take the guardianship of the Child from the Mother, by reason of her now Mariage, and the Serjant was privy thereto being of Council with the Defendants and his hand to their answer.

'Tis true he did peruse the Desendants Answer tho' then a stranger to all the Parties, and looked upon the Bill to have no Equity therein, whereupon to ground a Decree for to take away the Child from the Mother, to whom the Laws and Customs of this Realm have intrusted her care, education, and disposal. That in Hillary Term last the Surviving Trustees for the Infants Portion, exhibited a Petition to the Lord Keeper against Mrs. Watkinson and

Hillar. Terme her Husband concerning the Infant, who ordered thereupon that Watkinson, and his Wife, and Mr. Serjant Gooding should appear before him with the Infant the next day of Petitions. They attended with the Infant accordingly, where the Petitioners reading Affidavits that were not filed, his Lordship Ordered the same to be

filed, and though the Defendants were ready with their Witnesses to make their Desence, his Lordship did think fit that both sides should file their Assidavits by Tuesday noon followings, and to be heard on the Thursday after.

Both sides appeared, and the Insant was brought into Court; but before the Cause came on, she was conveyed away, and as is supposed.

Both sides appeared, and the Insant was brought into Court; but before the Cause came on, she was conveyed away, and as is supposed. Pasmore, who about Five Years since was a servant to the Serjant. The Serjant, his Wife, her Sister, and several of his Servants were Examined whether they knew of, or were contriving to the taking away of the Infant, who all denied it, nor did, or do know any thing thereof.

As to the Son's Swearing upon the Mothers takeing out the License for Marriage, that the Infant was about Twelve Years of age, tho the

same be not material or effential to the Marriage where the Parent appears, he was induced thereunto from what the Mother then, and before often declared to him, his Father and Mother, that the Infant was about Twelve Years old, as she really beleived, and also the said Trustees in their Bill exhibited in July last set sorth, that she was then about Ten Years old, which at Christmas following would be Eleven. It being agreed on all sides that she was born about Christmas.

As to the Mariage, Infra Annos nubiles, with the consent of the Father or Mother, that it is good, there are abundance of presidents, and every days experience. The Wife is Dowable, it must be certified by the Bishop a good Marriage.

All which having been transacted both according to the ancient Laws and frequent usage of this Kingdom, it is hoped no Fault can be imputed where neither the known Laws, nor common Practice in like Cases have yet found any.

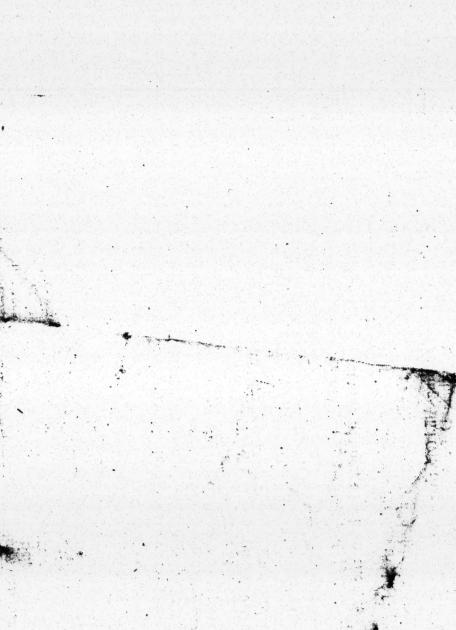
Object.

12 of March following.

18 March.

### Mary Wat Amsons Case





Of several Persons who have Advanced to His Majesty the Summe of 564700 l. upon Credit of an Act of this Present Parliament made in the Sixth and Seventh Years of His Majesties Reign, for Granting certain Rates and Duties on Stone, Glass and Earthen Ware, Coals and Culm, for the Term of Five Years, Impowering His Majesty to Borrow the said Summe,

#### SHEWETH,

HAT the Parliament were so Tender of the Security and Property of those who should Lend the said Moneys, That it was Enacted that what the said Fund should fall short or Desicient for the Repayment of the Principal and Interest, within the Time limited, should be Advanced and Paid to the Lenders thereof out of any of the next Aids or Supplies to be Granted to His Majesty in Parliament.

That the very next Sessions of this Present Parliament, which was in the Seventh and Eighth Year of His Majesties Reign, the Duties on Coals and Culm were quite taken away, and the Duties on Stone, Glass, and Earthen Wares were appropriated with the Duties on Salt for the Establishing a National Land Bank.

By which Means the Lenders of the faid Moneys are at present totally deprived of their Security and Property, and have nothing now but Sticks and Paper for their Moneys.

That the Duties on Coals and Culm, &c. would undoubtedly have more than answered both Principal and Interest in the Time limited.

That the depriving them of their Securities has given a very great Blow to the Publick as well as Private Credit.

That they are Informed this Honourable House of COMMONS is laying a Duty of Fisteen Pounds per Cent. on Leather and Skins, to Pay not only the said Debt, and great Interest due thereon, but also that on Salt and Tonnage of Ships.

That it is Humbly Conceived the Duties on Salt and Tonnage of Ships are for Annuities and Lottery Moneys, which will take place of the said Principal Moneys Lent on Coals and Culm, &c.

That upon the strictest Inquiry and best Information that can be had, the said Duty on Leather will not much more than Pay the Interest of the said Debts.

That the Persons who so frankly Lent their Moneys desire no more than their just Debts and Interest, and hope they shall not have a Desicient but an Effectual Fund for their Moneys.

And therefore for the Honour of Parliaments, and the Encouragement of Publick Credit, as well as for the Security of the faid just Debts,

The Persons who Advanced the said Money do Humbly Pray to be Restored to their former Security, taken away without their Consent, or else that the Honourable House of COMMONS will, out of their Great Wisdom and Justice, make Essectual Provision for the Repayment of the Principal and Interest within the remainder of the Time Granted in the Act on which they Lent their Moneys, by adding 12 d. per Bushel on Salt, to make the Now Proposed Duty on Leather Essectual to Discharge the said Debt and Interest, if this Honourable House shall think sit; several of the Lenders having engaged so great a part of their Essates therein, That if the same be not Essectually Provided for this Session it must inevitably tend to the utter Ruine of many of them and their Families.



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Respondent

Hat in the Year 1473. Thomas Green then Vicar of Great Linton in Cambridge-Shire, complaining to the Master and Scholars of Pembrook-Hall in the University of Cambridge (who were leised of the Rectory) that the Mansion-House belonging to the Vicaridge was too remote from the Church; the said Master, Scholars and Vicar by Indentures, 18th of June, 1473. for fetling the right of the Vicar and establishing Peace between the said Parties; Did mutually agree, that the Mafter and Scholars, and their Successors should have the faid Mansion-House, and the Vicar and his Successors should have another Messuage near the Church, and to. Acres of arable Land in the Fields, and the Tithes of 40. Acres of Corn, and 12 s. annual Rent, and other leffer Tithes usually Received by the Vicar for their whole Portion of all Corn and Grain whatfoever.

And should have the Tithes of Saffron of certain Lands therein mentioned, and 3 s. 4 d. per Annum, in lieu of all Tithes of Saffron; and should also have all Oblations, Personal Tithes, Mortuaries of Strangers, and all other small Tithes; viz. Of Wooll, Lambs, Milk, Calves, Flax, Hemp, Herbs, Fruits, Geese, Pigs, Wax and Honey. FOR his and their WHOLE AND IN-TIRE PORTION OF TITHES FOR EVER, NOTWITHSTANDING ANY OTHER THINGS THAT MIGHT

AFTER HAPPEN, DE NOVO.

That accordingly the Vicars ever fince have enjoyed the Messuage near the Church, and the 10. Acres of Land, and the Tithes

of 40. Acres, and other the Matters agreed on.

That about 60. Years ago Carrots and Turneps began to be sown in the Common Fields of Linton, but at first in so small quantities, that the Tithes were not regarded, and for some sew Years the Vicar received the Tithes of them under the Notion of Small Tithes.

But afterwards when whole Fields were fown with them, and the Tithe became valuable; Gutis the then Farmer of the Rectory, applying to the Colledge; it appeared upon Perusal of the said Indenture of Compositon, that these were not compre-

hended in it, being's new kind of Dithes happening afterwards.

Whereupon he fued for the Fighes of Christs and Twineps fown in the Common Fields, and ever fince for above 20. Years last, the Colledge and their Farmers of the Rectory have enjoyed them, as also the Tithes of hasty Peas, which of late have been fown in the Common Fields in great Quantities.

That the Respondent sued the the Appellants by English Bill in the Exchequer, for the Tithes of the said Peas, Carrots and

Turneps fown in the Common Fields of Linton in the Year, 1694.

And the faid Court, hath adjudged the faid Tithes to belong to the Vicar, and not to the Impropriator, audhave Decreed the Appellants to Account and make Satisfaction for them to the Respondent.

Which Decree, the Appellants humbly Conceive, and are advised is Erronious.

For that it is quite contrary to the express Words, and intent of the Indenture of Composition, which was made to quiet all Claims and Questions, and accertain and settle the Right and Pretences of the Vicar.

For by the Composition, the Vicar has a recompence given expresly in liev of all Tithes BLADORUM; which comprehends all

Corn and Grain.

Also the small Tithes the Vicar was to have, are enumerated and he excluded from any new fort of Tithes that might happen after wards.

Object. 1. It was objected at the hearing (upon which the Decree feems to be founded) that these Peas are of the kind of Garden Peas or hafty Peas, which were usually set or sown in Gardens, and these are gathered Green, and managed with a Hoe as in Gardens; and Peas in Gardens pay Tithes to the Vicar, and therefore they ought to pay in Common Fields as a small Tithe.

Resp. That where Peas pay in Gardens, that's only by reason of the Place (Vicars having usually the Tithes of Gardens) But Peas in their Nature being great Tithes the gathering of them green, or their being by Cultivation produced earlier them

· was usual in Common Fields, does not make them small Tithes.

2. That the Hoe formerly used in Gardens, is now found to be a good piece of Husbandry, and used very much in Common Fields, not only for Peas, but other forts of Grain, and that way of ordering them cannot make them small Tithes.

2. Several hundred Acres of the Common Fields, and inclosed Grounds in the Parish are thus sown with Peas, Carrots, and Turneps, and it being found very profitable; this way of Husbandry increases every Year, so that if the Vicar must have the Tithes, the whole Profits of the Parish will in time be his, and the Impropriation that was given towards Sustentation of the Colledge will dwindle to nothing, and yield them neither Fines nor Rent for these Lands, that formerly answered Tithes of great Value to the Impropriator, and never any thing to the Vicar, will by this course of Husbandry, and this Decree be quite lost to the Impropriator and transferred to the Vicar.

And this Judgment in the Exchequer may influence, and prejudice the most (if not all the) Impropriations in England.

Object. 2. The Vicar was for sometime in Possession of these Tithes, and therefore a new Indomment of them may be intended.

Resp. An ancient and an uninterrupted Possession, where no Indowment appears to be to the contrary, may be aided by fuch intendment: But that is not the present Case: For,

1. Here is an express indowment that excludes the Vicar.

2. Here the Subject Matter is not fo ancient, as that any such Intendment can well be built upon it; this course of Husbandry being first introduced within these 60. Years.

3. Here's neither an uninterrupted nor a continued Possession, for at the first, one while the Vicar, another while the

Fa mer of the Impropriation received them as is proved.

And the Vicar received them for some few Years: Yet after the Farmen of the Impropriation had consulted the Colledge, and found these Tithes belonged to them, he claimed and sued for those Tithes and had them, and they have been ever fince, for above 20, Years last enjoyed by the Colledge and their Farmers, to that the Possession has been with the Colledge as well as with the Vicar.

And it feems pretty hard to chablish such a Question by a Decree, without calling in the College, who have the

Fee of the Impropriation,

Object. 3. Its a Por Vicarilge.

Resp. The Respondent has been offered to l. pre-have that Rent when he will, but another Benifice worth 100 &

takes were not regained, and for formeter Ye as the Wic calonical Lepisago Carrots and Turneps began to be fat in the Comfor the Matter agreed on. C trem ever the lieve empy cathe Met 01.0VO. CALLON OF THRES FOR EVER, NOTWITH TANDING Suite of Titles of Suffemore certain Sangs theren mentions a so and all have all Oblations, Perforal Titles, Min creations as forest. Calves Hax, Flein, Heibs, Fruits, Geete, Pigs, Wex and Horse Las indula bave maker wellinge hear the Chines, and 10. Acres of aral to any one in a sample Received J' the control of the er and Secolars, and there brece are fround have Monte be man go to the Vicarilles was constanted four the Charch cures, 18 mol /mig. 1473, for fathing the right of the Vicar and aft the state of the s Conclusion 6 Mark Louis Miles Wie Con reat Linion in C Samuel Toll The State THE SODE LAME trouver to be Birth

William Stephens Respondent To be heard upon Wethe days the OND IN CO A Proper Day of February 1696 Hards

Colledge; it appeared upon Perulal of the faid sidentur differentiale Field and oftens with them, for the Till steel

Thomas Martin 19 al. Appellants Bill in the Day against

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to. July 1 of bearing of nine which the Dickorated

### The CASE of the Respondents, 30

And the Lady Bridgeman, and her Trustees, upon their Petition.

7 Illiam Thwaites having provided for his Eldest Son James, intending to provide for Thomas his Younger Son, and the Respondent Frances his Eldest Daughter; the 12th. of Decemb. 1678, Settled an Estate in Essex to Thomas his second Son, and the Respondent Frances his Eldest Daughter, and their Heirs.

Thomas died without Issue, and Frances the Respondent married the Respondent John Deye, and the Settlement being Razed and Altered after the Sealing thereof, and the Name James inserted instead

of Frances. In the Year 1682, Deye and his Wife exhibited their Bill in the Court of Exchequer, against James Thwaites, and against Strutt his Guardian, and Heath (who concealed the Settlement) to discover the

Razure and Alteration, and to be relieved against it. Strutt and Heath, as to the Discovery of the Razure, and by whom it was made, refused to

Answer, but Demurr'd, hoping thereby to conceal the Iniquity thereof. After Witnesses examined on both sides, the Cause was heard, and at the Importunity of the Councel of James Thwaites, and the other Defendents, there was a Trial directed at the Bar of that Court, by a Jury of Middlesex, to try whether the Settlement was Razed after the Sealing

thereof, or not. And after a long Evidence and Examination of many Witnesses, viva voce, on both sides, and View of the Deed of Settlement, and the Draught thereof, the Razure being fully proved be-The Names of the Jury that youd all Contradiction, to be after the Sealing, the Jury, whose Names are in the Margin, brought in a Verdict, That the Settlement was Razed after the Sealing.

> And the Court of Exchequer, as in the like Case is usual, thereupon Decreed the Premises to Deze and his Wife, and her Heirs, and an Injunction to quiet their Possession, and the Defendants never pretended to complain of the Verdict, nor ever moved the Court of Exchequer for a new Trial.

After this Tryal, one Jonathan Ball was convicted, and stood in the Pillory for Perjury, in Robert Fosser of Maribon, Esq; the Evidence he gave at that Trial, on the Behalf of James Thwaites, whereby the Verdict and De-Thomas Austin of the same, Eig; cree were fully justified, and this upon a long Tryal and Defence, and no Complaint made

> Deze and his Wife being in Possession under the Verdict and Decree, Mortgaged the Premisses for 20001. to Christopher Cratford, and others in Trust for the Lady Bridgeman.

> In Decemb, 1689, an Appeal was brought before Your Lordships, by James Thwaites then of full Age, to reverse the Decree, which being heard by Your Lordships, April 25. 1690. for that the Decree was drawn, without giving him a Day to shew cause, your Lordships opened the Decree so far, as that James Thwaites might have a new Trial if he thought fit, which he never fince did accept.

> But your Lordships did not dissolve the Injunction, nor gave him leave to bring any new Action:

> That this Matter having depended 16 Years, and near Ten Years, since James Thwaites came of Age, and above 8 Years fince your Lordships Order of the 25th. of April, 1690.

> Your Petitioner, the Lady Bridgeman and the Respondents, therefore Petitioned, That your Lordships laid Order of April, 1690. for giving fames Thwaites a new Tryal it he thought fit, might be discharged, and the Decree of the Exchequer affirmed; and then, and not before, there was a Petition and an Answer in the Name of Dorothy Thwaites, the Wife of James and his three Children.

> That your Lordships have appointed this Matter to be heard upon the Petition of your Petitioners, and the Answer and Petition of the said Dorothy Thwaites.

> Your Petitioners therefore Humbly pray, That in Regard the said James Threaites hath made no other use of your Lordships Order, whereby he was allowed a new Tryal if he thought fit, than the bringing a new Action contrary to the meaning of that Order, and for that your Petitioner. the Lady Bridgeman cannot have her Money, or Assigne her said Mortgage, while the Pretence of your Lordships Order hangs over it, That your Lordships will please to discharge your said Order of the 25th. of April 1690, and to Affirm the said Decree of the Court of Exchequer.

gave the Verdict.

Sir Edward Smith of the Parish of St. Andrews Holborn, Barr. Sir John Musters of Hornesy, Kt. Sir Charles Lee of Edmonton,

Sir Richard Downton of Thistleworth, Knight.

Thomas Row of the Parish of St. Martins in the Fields Efq; thereof. Charles Pryor of Highgate, Esq; Edward Shawe of Covent - Gar-

den, Esq; John Perry of Cripplegate, Esq; Thomas Harriott of Islington, Esq; John Hayne of the same, Esq;

> Nath. Wright, James Slaone.



The CASE of John Deye, his Wife;
AND THE
Lady Bridgeman.

# The CASE of the Defendant JOHNWALCOTTEIq;

Gar. II. Homas WALCOTT Esq; the Defendant's Pather, being Indicted for High Treason for Compassing the Death of the King, and Designing to Levy War and Raise Rebellion, was found Guilty, Attainted, and Executed.

22 08. 36. WHEREUPON his Real Estate of about 750 l. per Annum, and his Personal Estate of the Value of 1500 l. were Granted by His said Majesty, King Charles the II. to Wenth Worth, late Earl of Roscommon, Captain Purcell, and Capt. Bourk; (which two last Persons were in the late Rebellion against His present Majesty in Ireland.)

HIS present Majesty was graciously pleased to Sign a Bill, to pass into An Act of Parliament, for Reversing the said Attainder, which was so far proceeded in, That it passed this Honourable House, and was twice Read in the House of Commons, and committed, but lost by a sudden Prorogation.

THE Renewing the Profecution of that Bill the Defendant was disabled from, by his being an Officer in His Majesty's Service in Ireland, under the Right Honourable the Lord Cutts, where he was detained by the Wounds he received at the Siege of Limrick, and had one Brother kill'd by the Irish, and another (who was and still is an Officer in the same Regiment) very much wounded at the Siege of Limrick, and at the Battels of Aghrim in Ireland, and Steinkirk in Flanders.

HIS MAJESTY was pleased in Council upon the Reading a Report made by the late Attorney General (now Lord Chief Baron) to approve the same, and Order that the Attorney General should admit a Writ of Error to be brought by the now Defendant John Walcott, for Reversing the Attainder of his said late Father.

Easter Term. WHEREUPON the Desendant brought his Writ of Error to Reverse the said Attainder, and was strenuously opposed therein by the Countess of Roscommon, upon the account of the said Grant made to the said late Earl of Roscommon her late Husband.

THE Court of Kings-Bench, after having heard many Arguments made by the Lady Roscommons and the Defendant's Counsel on several Days, and perused a Multitude of Presidents for many Ages; all the Judges did agree, and did Seriatim, deliver their Opinions, That the said Judgment was Erroneous, and ordered the same to be Reversed.

THE Lady Roscommon hath brought a Writ of Error in this Honourable House, to reverse the said Judgment of Reversal, and set up again the said Attainder.

BUT it is humbly hoped, That the Reversal of the Said Attainder, Shall be Affirmed for these Reasons.

BECAUSE there are manifest Errors appearing in the said Indictment and Judgment.

Trinity

13 June.

II. THE Judgment given upon the Defendant's Father, is various and different from all the Antient and Modern Presidents of Judgments given, in Cases of the like Nature.

III. IF Judgment in Cases of High Treason be uncertain, then it is in the Power of the Judges either to mitigate the Sentence, for to inflict such Cruel Pains and Penalties as they please, and to introduce the Rack, Crucifixions, or any other strange Judgments.

Note, THE Lady Roscommon by her Case, seems to admit the Judgment to be Erroneous, but lays great stress on these three Allegations.

THAT the Words which cause the Error were either Unwarrantably, or by Miltake, left out by the Clerk.

II. THAT the Defendant's Father was Convicted for Compassing the Death of the King by Assassination.

III. THAT it appears by Capt. Walcott's Letter to Sir Leolin Jenkins, That he confessed his Guilt, and proffered to be a Spy upon his own Party.

Note, THOUGH in a Writ of Error Matters of Law only, ought to be considered, yet these Allegations are not without an Answer.

AS to the Error being the Omission of the Clerk, that Answer may be given to almost all Errors in Records, which are the Omissions or Mistakes of Clerks or other Persons, and Advantages thereof has always been allowed to be had, especially in favour of Life and Liberty; And the Writ of Error is to see if the Record as it is, be Erroneous.

AS to the second, All the Witnesses against Capt. Walcott did acquit him as to the Assassination; And that he did declare, That he abhorr'd any such thing, and would be no way concerned in it, and at the very hour of Death denied that he was to have any hand in it.

TIS true, there was such a Letter to Sir Leolin Jenkins, in hopes by that means to have Saved his Life, and obtained Leave to pass into Holland, but he afterwards declined meeting Sir Leolin, nor did he give Information against any Body.

Note, THE Grant under which the Lady Roscommon claims, was purely Voluntary, and for no Consideration; and yet she hath Enjoyed the Estate under that Grant for Twelve Years, without so much as allowing Capt. Walcott's Poor Distressed Wife and Eight Children one Penny, or so much as a Bed to Lie on.

THE Defendant humbly hopes Your Lordships, upon Consideration of his Case, will allow him that Favour His Majesty was Graciously pleased to design him, and the Law hath given him, and to Affirm the Judgment given in the Kings-Bench, for Reversing the said Attainder.

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an firsty was gracionally pleased to Struct in the control of the interest parties that is need, but lost by a fadden Presegnien.

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Badger against

Lloyd.

#### The CASE of John Lloyd Gent. Lessor of the Plaintiff.

The PEDIGREE.

Old John Lloyd the Grandfather had Issue Four Sons:

JOHN
Died without Issue, JOHN the Lessor of the Plaintiff.

LD John Lloyd the Grandfather, on the Marriage of his Eldest Son John Lloyd, by Indenture dated the First of January 1649, settled the Lands in Question, lying in Whittington and Shrewsbury, in the County of Salop; To the Use of himself for 99 Years, if he lived so long; And after his Death, to John his Son for Life; And after his Death, then as to part of the Lands to the Use of Elizabeth his Wife for Life, for her Joynture; And the whole He settled, after their Deaths, to all the Sons of John the Son by his said Wife, successively in Tail-Male; And for want of such Issue, to John, the Son in Tail-Male; And for want of such Issue, to the Right Heirs of Old John Lloyd.

That the said John Lloyd the Grandsather made his Will, dated the 3d of March 1653, and thereby takes notice of the said Deeds of Settlement made on his Son John, and also of a Settlement he had made on his Son Thomas, who was his Eldest

Son by his second Wife, and makes provision by a Devise of some other Lands for his Sons, Paul and Peter.

The Words of the Will.

And then adds these Words: Lastly, My Will is, That if my Son John Lloyd shall dye without Issue-Male lawfully begotten, his Daughters being provided for according to the Indenture in that behalf made; That then my Son Thomas Lloyd shall possess and enjoy all the Estate in Lands, Houses and Tythes (being the Lands in Question) which my Son John had and enjoyed.

And if my Son Thomas shall dye without Issue-Male lawfully begotten, my Will is, That then my Son John shall inherit and enjoy all his Lands, viz. Mays Y Termin-Farm, Humfry Eaton's Farm, and Birgil-Tythes; And my Son Paul to have

and enjoy all my Son Thomas his Lands.

And if it shall happen that both my Sons John and Thomas shall dye without Issue-Male lawfully begotten, my Will is, That then my Son Paul shall inherit and enjoy all my Lands, Houses, Tythes, and whatsoever else I have in the County of Salop.

And if my Son Paul shall dye without Issue-Male lawfully begotten, and none of his other Brothers living; Then my Will

is, That my Son Peter shall inherit and enjoy their Three Estates so dying unto himself, and his Heirs for ever.

Again, If my Son Peter shall happen to dye before the Rest of his Brothers, without Issue-Male lawfully begotten; Then

my Will is, That all his Lands shall come and descend unto the Eldest of my Sons that then shall be living.

Lastly, My Will and Meaning is, That all my Estates in Lands, Houses, Tythes and Woods whatsoever, shall come and descend unto my Name and Posterity for ever, as is before specified, and not to Strangers; And which soever of my Sons shall survive, and live longer than all the rest of his Brethren, when he to possessall, and enjoy my Estates to him and his Heirs for ever: And I do Charge all my Sons, upon my Blessing, that they perform this my Will.

Yet if it should so happen, as I Trust in God it will not there are of my Sons shall have any Issue-Male, but Daughters; Then my Will is, That their Daughters shall inherit my Estates amongst them; And if my Sons have neither Sons nor Daughters, which I Trust in God will not be so; Then my Will is, That the Right Heirs of my Father's of Dreneweth shall inherit all my Lands, Houses and Tythes in the County of Salop.

That John the Son being seized of the Lands in Question the 13th Year of King Charles the Second, suffered a Recovery, and settled the same upon himself for Life; and after his Death, to his Wife for Life, and to his Issue-Male; and his Intention was, That the Estate should go as is directed by the Willast Should be the William Libyd; and therefore on failure of his own Issue-Male, he Limits it to and for the Use and Benefit of such Person and Persons, and for such Uses, Estates, Intents and Purposes, as were limited, appointed, and declared by the William Issue Male, be the Lloyd, the Grandsather.

John Lloyd the Son after died without Issue, and Thomas his Brother, who was barely Tenant in Tail in remainder (in the Life-time of Elizabeth the Joyntress) by his Will gave the Estate in Question to the Desendant (who is a meer Stranger, and no Relation to Old John Lloyd) and his Heirs; And the Lessor of the Plaintiff, as Heir of the Body of Peter, now Claims this Estate, and hath Judgment to Recover it by the Unanimous Opinion of all the Judges of England in the Courts of King's-Bench and Exchequer-Chamber.

The Pretence of the Defendant, That the Remainder to Peter, by the Will of Old John Lloyd, was Contingent only, if Paul died without Issue, John and Thomas being dead before him; Being agreed to be frivolous, and the intent of Old John Lloyd, by his Will plainly appearing to be, That every of his Sons should be successively Tenants in Tail-

Male:

Wherefore it's humbly hoped that the Judgment of the said Courts shall be Affirmed.

EDWARD NORTHY

ic, May Y Lomin-Locus, Liberty Law of Langenders Law of the . tonal and both any some fold and Thomas In the forest the title to an appearance of the second began inharit and enjoy at mystings, Homes, I there and and some cite I se 16 MA 94 he without thue Wale tought because and no cof his other Recher its one and onjoy their I bree Estates for doing unes himles, and his Thins for ores. add daypen to dye before the Rest of his Brothers werborn this Mistale law fully ids thall come and descend unto the Eldest of my Suns that then thall be liv John Budger, Lelles of John Lloyd Gent J very losses To a great the only Heir-Male of PropLlyd General Sons, upen my Bleffing, that they perform this my Will. l cates to the . as I was a ran Thomas Ployd a bare Namelike jandine of boo mi Auri 1 20. in the Relation of Kin to Old Jum 1200 Heat speciment and the land of the Land sufes and Tythes in the County of Salop. eized of the Lands in Question the 13th Year of King Guies the Second, on himself for Life; and to his Issue the Second on himself for Life; and to his Issue e thould go as is directed by the W.Holbalt Dhalt of and thefulore on tillner r the Use and Benefit of such Person and Persons, and for such Uses, Estates, ted, and declared by the shows the form by the febre Lloyd, the C ter died without lifue, and Thomas his Brother, who was barely Tenant in

ter died without lifue, and Thomas his Brother, who was barely Tenant in Zabeth the Joyntress) by his Will gave the Lifate in Question to the Defendant to Old John Lloyd) and his Heirs; And the Lestor of the Plaintist, as Heir Estate, and hath Judgment to Recover it by the Unanimous Opinion of a

Jane Luke, Spinster, Appel. Samuel Christie, James Toothe, Henry Southouse, William Faldoe, Tho. Christie, Pohn Faldoe,

#### The Respondent's CASE.

to receive and put out at Interest for her One Thousand Pounds, which was then to be paid in; which, without any other Motivo than his Relation to, and respect for, the said Appellant, he took upon him the Trouble of; and enquiring for a Security for the said Money, an Estate of Sir Charles Bickerstaffe at Tunbridge, then in Mortgage for One Thousand Pounds, (as was alledged) to Shem Bridges, Esq; and to him assigned by Sir Robert Marsbam, was proposed as a Security: The said Mr. Christie being acquainted with, and having a good Opinion of Philip Bickerstaffe, Esq; (with whom he sat in Parliament, and who was contented to be Bound with the said Sir Charles his Brother for the said Money, and knowing the Characters of Sir Robert Marsbam and Mr. Bridges to be Men of Caution and Understanding, both of them Six Clerks, and the Security being to be transferred for Mar. 1692. the same Sum of Money then upon it,) he accepted the Security, and in March One Thousand Six Hundred Ninety Two, lent the Money, and took the Assignment of the said Mortgage, and also the Bonds of the said Sir Charles and Philip Bickerstaffe to the Appellant, and delivered to her the Writings, except some old Leases (not material to the Title,) which he lest in London, and which were after Mr. Christie's Death delivered to the Appellant by one of the Respondents.

The Appellant accepted the Security, and received the Interest for some time, but afterwards disliking the Security, the Appellant called in the Money, and in March One Thousand Six Hundred Ninety Eight, Petitioned the Parliament that Mr. Bickerstaffe might wave his Priviledge, and sued him.

July 1.1697. Thomas Christie died.

The Appellant commenced her Suit in Chancery against the said Mr. Bridges and these Refpondents, charging Mr. Bridges with Fraud, in not discovering the Desiciency of the Security, and the Respondents with Negligence of their said Testator in putting out of the said One Thousand Pounds; and demanded Satisfaction against both, alledging, That Mr. Christie had often expressed his Concern that the Money was like to be lost, and that he should think himself obliged to make her some Satisfaction by his Will, or to some such Effect.

Lebruary 22 Upon a full Hearing of which Cause by the now Lord Keeper, the Appellant's Bill was distalt. missed, as well against Mr. Bridges as the said Respondents. And the said Respondents do humbly insist, that the Appeal ought to be dismissed with Costs as to them.

First, For, that there is no Pretence of any Fraud in the faid Thomas Christie, but a particular Concern and Friendship for the Appellant and her Family, proved.

Secondly, For, that he transacted the said Security as an Act of Friendship only, without Reward from any Body, and therefore ought not to be accountable for the Missortune.

Thirdly, For, that to charge Mr. Christie in this Case, would be to destroy all Business and Commerce about Securities; for no Body would dare to dispose the Money of another, if (without Fraud) they should be charged with the Loss.

That what Mr. Christie said, which is insisted upon as a Foundation for the Appellant's Satisfaction out of his Estate, were only Expressions of great Concern for the Appellant's Missfortune; but cannot in any Court of Law or Equity oblige him who had done her no Wrong, to make her any Reparation; however, he by his Will gave the Appellant Twenty Pounds per Annum for her Life after his Wise, and gave her Nephew (whom he knew she intended her Heir,) a Farm of Sixty Pounds per Annum; and the Value of Two Thousand Pounds more into her Family; which he had no Obligation upon him to have done.



## Jane Luke, Appellant,

Sam. Christie and others, Respondents.

Mr. Christie's CASE.

To be Heard on Wednesday, the 7th of May, 1701. The CASE of divers Persons Entitled to the Benefit of Articles, Proclamations, and Declarations, &c. in Ireland; in Relation to a Bill for Vacating all Grants of Estates and other Interests Forseited in Ireland, since the Thirteenth day of February, One Thousand Six Hundred and Eighty Eight: And sor appropriating the same to the use of the Publick, now lying before the Honourable the House of Commons; Humbly Offer dto the Consideration of the said House.

Ireland to the Use of the War, there has been special Provision made to preserve the Articles of Lymmerick, Gallway, and all other Articles, and Agreements made upon the surrender to their Majesties of any City, Town, Fort, or Garrison in Ireland, and also all the Declarations and Proclamations relating to that Kingdom Issued out by His Majesty during the War there in their sull force; But by the Preamble and Vesting Words of the said Bill, there is, as humbly conceived, so great a latitude of construction lest, that it may become very doubtful, if such as are comprized within the said Articles, and are in due form adjudged so to be, and have thereupon reversed their Outlawries, and such others as upon other good and equitable Grounds, and Reasons appearing to His Majesty, have also actually reversed their Outlawries, shall be Exempted from the Penalties of said Bill, It is therefore Humbly Submitted to the Consideration of this Honorable House, if it may not be Reasonable to Insert in the said Bill an Excepting Clause, in savor of all such as have reversed their Outlawries.

THAT of those Entitled to the Benefit of the said Articles, there are some, who as such, have so lately had their Adjudications, that they have not as yet had time to Reverse their Outlawries. Some likewise who have long since Exhibited their Claims, to the said Articles, and (through no default of theirs) are still Kept in Suspence Without being Heard or Adjudg'd, so that their Attainders continue still unreversed; some who have been duly adjudged in Ireland, to be Comprized within Articles, and have thereupon Reversed their Outlawries there, are Outlaw'd in England for the same Crime, and have not had time to Reverse the said Outlawries in England. Some comprized within Articles, others Entitled to Declarations and Proclamations, who are not as yet attainted, if hereaster attainted on account of the late War in Ireland; are by the said Bill Disabled from ever Reversing the same, and all and every of these will as conceived be utterly Foreclosed if not specially provided for in the said Bill.

THAT upon passing a late Act of Parliament in Ireland, to prevent the Reversing of Outlawries for Treason there, it having been Evidently made out, that of those Outlaw'd there for Treason committed in that Kingdom during the late War, there are some who were Infants and utterly incapable of being any way concern'd in the same during the said War, some who were Infants and utterly incapable of being any way concern'd in the same. There was special Provision made by Name for such of the said Persons, and others, as then made their Application, whereby they may as any time and Reverse their said Outlawries, so unduly had against them, notwithstanding the said Act, but by the Bill of the Persons shall in like manner, become for ever foreclosed and loose the benefit of the Provision state for them in the said Act, if not specially provided for.

MANY also in that Kingdom Backled withdir Estates by their Early submission to the Government, pursuant to Declarations, and Proclamations, occ. whilst under the Kings Protection, and daily to be seen there, most of them never in Arms, nor any other way concern'd in the late War, but as suffering Spectators, were promiscuously Outlaw'd without any regard of Sex, Age, or Condition; many amongst them being Insants, Men Superannuated, and Bedridden, Persons under Bayle upon their Indictments: Some in Custody of the very Sheriffs in the Countryes where they were Proclaim'd, others in the Kings Bench Prison, sundry for being only in Civil Employments, so that though the Laws for Outlawries be the same in Ireland, that they are in England, the Method used there for attainting, was so far from agreeing with that in England, that it was altogether contrary to the Country of Justice. By the said Bill all the said Persons are not only for ever foreclosed from bringing the course of Justice. By the said Attainders in question, to have their Tryals, or be restored to their Properties, but even the small fruits of their Industry acquired since then, are to be forseited.

IT is therefore Humbly Offered to Consideration, that these being the most Innocent, and the most Inostensive Persons in the said Kingdom, during the said late War, and the Readiest and Earliest in their Obedience, such Provision may be made for them in the said Bill, as to this Honorable House may be thought Reasonable. THAT OF the consist to the Benefit of the self of the self and the self high spay A is son, but sever conjugate that the right. divinal appetation a complete period of the transfer. lared in several for section Cuerc, and have had time to of the second 18 44 94) between the following section in the first owner of the contract of the first owner, when the contract of the first owner, when the contract of the first owner, when the contract owner, which is the contract owner, when the contract owner, which is the contract owner, when the contract owner, which is the contract owner, wh solan and every of thete wal as conceived be usedly Forecloud. HANT upon passing a late A 2 of Parliament in Ireland, to protein ag the are Wir, there I for whatever wire in that ising domes ed its hid War, forme who went infants and accerty incapable of I Provide Branch Branch Many for such of the fast Perform Arridley Proclama (154) and a store half Declarion in Relation in Reversion of the Bill now before the Honoura-illy Ontlaw'd without any regard of Sex, Age, or Condition and erannunted, and Bedridden, Perfons under Bayle uron their Indich the in the Course where they were Proclaim of other in the K is i imployate, fo the thoughthe Laws for Quinting to the Method used there for attaining, was so far from agreeing with three re cren the finall fruits of their industry acquired fines men, I' is therefore Humbly Offered to Confideration, that thefe being the Perfors in the faid Kingdom, during the faid late Var, and the R Described and be made for there in the faithfull of in this Herocal

Who is Plaintiff in a Writ of Error, brought before the Right Honorable the Lords in Parliament

Icholas Leach, Great Uncle to Sir Simon, being seised in Fee of 500 L a Year in Tork-shire and Devenshire, in 1643, devised the same to Nicholas Leach his Eldest Son, and the Heirs Males of his Body; And for default of such Issue, the Remainder to Simon Leach, another of his Sons, and the Heirs Males of his Body; and for default of fuch Mue, the Remainder to Simon Leach his Nephew, and his Heirs for ever, ( who was Father to Sir Simon.)

Nicholas Leach the Devisor died, and Nicholas his Son surviving, and being Indebted, destroyed that Estate Tail; And in 1667, devised them, first for Payment of his Debts, and the the Remainder to the Heirs Males of his Body; and for default of fuch Issue, to Simon Leach his Brother for Life; and after his Decease, to the First, second, and other Sons of the Body of the faid Simon; and for default of such Issue, to Sir Simon the Plaintiff.

Simon, after the Death of his Brother Nicholas, Married Ann Croke, who afterwards left her Husband, and lived publickly many Years with Sir George

Pudsey in Oxfordshire.

This being known to all the Relations and the Country, her Father, Mr. Croke, being much troubled at it, and the Discourse being, that Mrs. Leach was with Child at Sir George Pudsey's, which was some Years after she lived from her Husband. Simon her Husband, by the Consent of her Father Croke (who could not in Conscience oppose it) by the Advice of Mr. Serjeant Ellis, and Mr. Serjeant Maynard, made the Surrender in Question of his Estate for Life, to Sir Simon the Plaintiff, then an Infant, who was the next Remainder Man in Tail, on purpose to destroy the contingent Remainder to the First. fecond, and other Sons of hers, and preserve the Estate in the true and rightful Heirs of the Family.

That Simon, both before, and after this Surrender for several Years, Lett Leases of his Estate, after the Manner of the West, upon small Rents and

Fines, which are all enjoyed to this day under them.

About 3 or 4 Months after the making of this Surrender, Ann the Wife of Simon, was brought to Bed of Charles Leach, the Defendant, who after the

Death of Simon, brought an Ejectment, under the Title, by the Will of Nicholas, as the first Son of Simon.

In which there was a special Verdict, whereby the said Simon was found to be Compos Memis, and the Surrender in question, was found to be duely Seal'd by him to the Use of Sir Simon, but in his Absence. And they found that Charles Leach the Desendant, was Born during the Elopement; and that Simon the Surrenderer continued in Possession five Years after the Surrender; and that then Sir Simon, published his Agreement to it, and Acceptance of it (he being then but just of Age) but Judgment was given against Sir Simon, because it did not appear, that he agreed to the Surrender, when it was made to him by Simon.

But because it did not appear he ever disagreed to it, and being to his Advantage, must be presumed to agree to it, unless the contrary appeared; and because he did publish his Agreement to it, as soon as he came of Age; and because Sir Simon had paid several Years Value to Simon, for the Surrender of his Estate for Life in these Lands in Devon, and had paid 1000 l. more as he appointed, and had only the Lands in Devon, which was not half the Estate, and Granted, and Released his Title to the Fork-shire Lands, which for default of Simon, would have also come to Sir Simon, without the faid Surrender by the Devile aforesaid. So that Simon became a real Purchaser of the same, and for a full Value; and having Married the late Lord Treafurer Clifford's Daughter, settled all the Lands in question on her for her Joynture, and laid out above 2000 l. in Building thereon, and granted several Leases thereof; For these Reasons, and upon hearing many Learned Arguments upon the Point of Law, this Honourable House reverst that Judgment, and ordered the Surrender should not be brought in question any more.

But the Defendant Charles not acquiescing, brought another Ejectment, and there it was indeed found Specially, That Simon was non Compos at the makeing the Surrender; but the Jury being equally divided, differed so much in it, that they sat up all night, and the next Morning asked the Judge, who took the Verdict, Whether a Man could be an ideot, that could Write and Read? And he answered, yes; they then found him non Compos, but yet allowed, that

the Leafes which he made to the Tenants at the same time he Sealed the Surrender, were good.

And upon that Verdict, the only Question was, Whether the Surrender was wholly void, or only voidable; for if it were only voidable, then it was agreed Sir Simon had the Right, it being made before the Birth of Charles the Defendant; and so the contingent Remainder to the first Son, was destroyed: The Freehold of Simon, which should have supported it till it came in Esse, being merged by his Surrender of it to Sir Simon in his Estate Tail; But

if it were wholly void, it was then pretended they had the Right.

And tho' all the Judges in the Great and Solemn Resolution in Beverley's Case in my Lord Coke's 4th Report 124, did agree, That no Deed Seal'd and Delivered by an Ideot or non Compos, can be avoided by either of them during their Lives; And tho' my Lord Coke in that Case cites many Authorities and Judgments out of the Books of Law agreeing with it; fo that it was thought the Law had been settled in that Point, That this Surrender was not wholly void, but only voidable; and so the contingent Remainder, to the first Son was destroyed, according to the Opinion and Design of those great awyers, Ellis and Maynard, who advised it. Yet, Sir Simon had the Missortune to have the Judges of the Kings-Bench of another Opinion, who gave their Judgments, That the Surrender to him was wholly void. Against whose Opinions in Point of Law.

That Great Lawyer Littleton, in 18 E 14. 2. when he was a Judge, and all the Court then, and the Learned Judges in E. 3. Hen. 6. and Qu. Elizabeths Time; and Perkins, Sect. 139, gives another Reason for it, which makes the Surrender (contrary to the said Opinions) a good Conveyance to Sir Simon.

For they hold, that every Conveyance or Deed executed by an infant, or by the non Compos himself in Person, is good against himself, and not void.

But that every Deed that is executed by or under a Letter of Attorney from them, is void; and that they themselves may Sue or Punish any one that acts under it, as if he had done it without any Warrant or Ambority.

under it, as if he had done it without any Warrant or Authority.

And the Reason they give, is, That he being an Infant or non Compos, it were a Contradiction to say he can have any Will in him, Faculty or Power to

give an Authorit

But the Inheritance of his Lands, and the Property of his Goods is in him; and therefore no Contradiction, that he himself by any Deed or Assureance, may pass them during his Life, as any other Man may (or else if he were never so rich) he might starve, if all he could do, were wholly void. Indeed his Heirs may avoid it, and so he cannot injure his Posterity; but Charles does not, nor can claim these Lands as Heir to him.

But the Books agree too, That if the non Compos recovers his Senses, and then Confirms the Deed which he made, when he was non Compos, it shall bind

his Heirs for ever.

And it is a Rule in Law, that a Deed cannot be void, which may be Confirmed, or made good afterwards; and there are multitudes of Opinions and Judgments, that agree in this Difference, That Gifts, Grants, Releases, Bonds Sealed, and Delivered by them themselves are good, and makes the Surrender in this Case to Sir Simon (being Sealed and Delivered by himself in Person) good.

And it is plain, that this new Matter pretended to, by the said Charles Leach, in endeavouring to delivered by the Surrender, is a Notion much of the same Nature with the last, only prosecuted under a new time; for that upon the former Tryal, when the Validity of the Surrender was in Issue, the Jury found the said Simon, Compare: But as to the Point of Law of Sir Simon's Acceptance of the Surrender, the Jury found that Specially.

And in regard that this Surrender was made upon great Deliberation, and Advice of the greatest Cannocl of that age, by Simon, with the Assertion of Mr. Croke, the Grandsather of Charles the Desendent, who was Advising and Confenting to the Surrender, in respect of the Blogoment and ill Behaviour of his Daughter; and also is regard it was made upon a sull and valuable Confideration, paid for it too by Sir Simon; and that it is conceived there are many Authorities and Resolutions in the Law for him.

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## The CASE

Of the Brewers. Inn-keepers, and Victualers; touching the Grievances of several Clauses, contained in several Acts of Parliament for Excise.

First.

N an Act made the last Session of Parliament, Intituled; An Act for laying several Duties upon Low Wines or Spirits of the First Extraction, and for preventing the Frauds and Abuses of Brewers, Distillers, and other Persons, chargeable with the Duties of Excise: There is a Clause that obliges all Brewers, Inn-keepers, and Victualers, brewing party Guiles to keep their Strong Beer in their Tuns until their Small Beer be all carried out, and delivered upon pain of being charged for the whole Guile as Strong Beer.

This is a hardship the Brewers are not able to undergo, for they cannot always have Customers to take off all their Small Beer before their Strong is ready to cleanse; and then they must be forced either to keep the Strong Beer in the Tuns till it be spoiled, or to throw the Small Beer that remains into the Gutter, or else pay for the whole Guile as Strong Beer.

The Brewers of Rechester and Chatham, and other Sea-port Towns sell great Quantities of Small Beer to the King: And if the Agents for Victualling have not conveniency to receive the same just as it is brewed, (as very often they have not;) then must all the Strong of that Guile be kept till it be spoiled, or if they cleanse any of it then the Brewers must pay for all the Small, as Strong.

That the Brewers are now forced to deliver out their Small Beer before it is fully brewed and worked, which makes it very unwholfome.

That the poor Inn-keepers and Victualers in the Country have no opportunity to fell their Small Beer, but used to utter the same in their own Houses. But as this Clause is, they must be forced to throw it away; for they cannot keep any in their House either for their Servants, or Family, ot Soldiers when they are quartered upon them, but all must live upon the Strong.

This Clause very much lessens the King's Duty of Excise: For many times when the Brewers could sell their Strong Beer, they cannot sell their Small; and therefore they are forced to forbear brewing for some time, and then many private Families sall to brewing their own Beer, and so the King looses that Duty.

Tis supposed the Intent of this Clause was to prevent mingling the Strong and Small 2d. 7, 6, 8. after 'twas Gauged: But sure there are so good Provisions made by the Acts for Excise, and such severe Penalties therein, that (without this unreasonable Clause) no Brewer can, or will dare venture to do it.

Secondly. In an Act made in the First Year of this King, and the late Queen Mary (of ever blessed Memory) Intituled; An Act for an Additional Duty of Excise upon Beer, Ale, and other Liquors. It is declared that Thirty four Gallons shall be charged upon all Brewers (except the Brewers within the Cities of London and Westminster, and Weekly Bills of Mortality) for a Barrel: And that all Brewers (except as aforesaid) shall be allowed for Leakage, &c. Two Barrels and a Half.

This is an hardship upon the Brewers, also in the Country, that brew no Ale, that they must sell Thirty six Gallons for a Barrel to their Customers, and be allowed but Thirty sour Gallons in their Excise.



THE

#### CASE of the Brewers

OF

Rochester and Chatham.

A True State of the

# CASE

## Sir Henry Fitz-Harris, Baronet.

H A T his Grandfather Sir Edward Fitz-Harris, lately deceased, was 17 Years of Age at the time of the Rebellion in Ireland in the Year 1641, and was then seized of an ancient Paternal Estate of Inheritance to the Value of 2000 l. a Year, in the Counties of Limerick, Cork, and Wexford.

That when the Rebellion broke out, the faid Sir Edward resided peaceably in his own House, and was no way concerned in the said Rebellion, and was never in Arms against His then Majesty; nor was he Indicted or Out-

lawed, or any way within the Intent and Meaning of the Statute of 17 Car. 2. for forfeiting Estates.

That after the Restauration, King Charles II. in consideration of Sir Edward's Loyalty and great Sufferings, was graciously pleased to make some Provision for him in the Acts of Settlement and Explanation for the Kingdom of Ireland, subject nevertheless to this Condition, That the said Sir Edward and his Heirs should be incapable of the Benefit intended him in the said Acts, if any Person could within 6 Months time make appear to the Lord Lieutenant and Council in Ireland, That the said Sir Edward was guilty of any Massacre, Murder, or other heinous Crimes, as were then most falsly suggested against him, by those that were then put in Possession of his Estate by the Usurper.

That the said Sir Edward being put upon his Purgation, did repair to Weland, where after a most violent Prosecution by one Oliver, who then possessed a great part of Sir Edward's Estate, his Innocency so clearly appeared to the Lord Lieutenant and Council, that the said Sir Edward upon a full Hearing was Acquitted of those Fasse and Scandalous Imputations; as appears by a Report thereof made by the Lord Lieutenant and Council in Ireland, dated the 25th Day of May, 1666.

A Copy whereof is hereunto annexed.

That rhe said Sir Edward upon this Report applied himself to King Charles II. and Petrioned that he might be restored to his Estate, as he might well hope to be; and some Persons then Advising His Majesty, That Sir Edward must be restored by Act of Parliament, and no otherwise, His Majesty desired the said Sir Edward to apply himself to that purpose, which he resolved to do, and was prepared accordingly.

That afterwards during the Reigns of King Charles II. and King James II. there were so sessions and Parliaments, and they so short, and full of Publick Business, that it was impossible for the said Sir Edward to obtain his Right in any

Parliamentary way

That King Charles II. finding the great Hardship and Want the said Sir Edwardswas under, in not being restored to his Estate, His Majesty was graciously pleased to allow the said Sir Edward a Pension of 1301. a Year for his Maintenance,

till he should be restored to his Estate so unjustly kept from him.

That Edward, the Eldest Son of the said Sir Edward, your Petitioner's Father, intermarried with Anne the Daughter of William Finch of Coldrit, near Dover in Kent, Esq. by whom he hadessue, your Petitioner and Judith his Sister now living, who were committed to the Care and Tuition of Sir Stephen Fox by His Majesty King Charles II. to be brought up in the Protestant Religion, and to be allowed a Maintenance, which they have hitherto subtisted upon.

That William Finch, the Father of your Petitioner's Mother, suffered very much for his Loyalty, and was ruined; and the said King Charles, in Consideration thereof, gave your Petitioner's Mother a Pension of 240 l. per Annum, together

with all his Arrears which the enjoys.

That the faid Sir Edward being a Papist, and vessed to see his Grandchildren brought up, and carefully Educated in the Protestant Religion, and having no Affection for their Mother who was a Protestant, would not make any Application to

this present Government to be restored.

That the said Sir Edward died about Christmas, 1696. leaving your Petitioner and his Sister, his only Grandchildren, (your Petitioner's Father being dead long before) who being both born in England, where they have lived all their Life-time, and themselves and Mother being meer Strangers to the Kingdom of Ireland, and their Adversaries there, who are Posses'd of your Petitioners Estate, very Rich and Potent, and too Powerful for your Petitioner, is now advised to apply Himself to this Honourable House for Help and Relies.

Objection. It will be Objected, That this Cafe will be a National Concern, and may open a Way to untavel the faid. Acts of Settlement and Explanation, and other Persons will or may present to have the time Benefit the now Peritioner claims.

Answer. That cannot be, for there is only a particular Clause of that nature for Sil Edward Pite-Harris in the said Additional and Explanatory Act; and no Person else whathever hath any Presence to make any such Claim, save only the said Sir Edward.

#### The True STATE of

## His Majesty's Court of His Palace of Westminster,

In Answer to a late Paper, Entit'led,

#### The State of the Marshal's Court.

The Author discovers himself to be the intended Register of the New Court of Conscience, supposed to be worth near Three Hundred Pounds, per Annum. Who by his striking at the Palace Court, seemeth rightly to apprehend, that while that and other Inserior Courts, which already afford an easie and quick Remedy in the Course of Common-Law, do stand, there can be no need of setting up any New One, especially in Subversion of that Course of Proceedings, which under the Common-Law hath so many Ages been enjoined and approved.

S to the Marshalsea Court, It is a Court of great Antiquity; yet since for Twenty Years last past, it hath been disused, there needs only this to be said of it; That its chiefest Enemies were Interfering Jurisdictions, who always used their Interest to restrain it.

The Palace Court is upon the same Foundation with all Corporation Courts, and other Inferior Courts of Record in every County, which were erected by Letters Patents, for the easie and quick Relief of the Subjects in the Course of the Common-Law.

The Reason why this Court, and all Corporation, and other Inferior Courts hold to Bail in Causes under 10 1. is Obvious, because they have limited Jurisdictions, out of which if the Desendant removes, the Plaintiff is deprived of the Benefit of his Suit; whereas the Plaintiff in Superior Courts cannot receive that Prejudice, the Jurisdictions of such Courts being Universal.

As to the Oppressions of the Bailiss, whenever they are discovered, they are severely punished, and ample Satisfaction made to the Party injured; nay, the severe Punishment of them hath been such, in the Palace Court, that the Bailiss have often lest that Court, and gone to others, with hopes to pass with less Punishment.

The Palace Court discharges all Persons on Common-Bail, in Actions of Trespass, Battery, Imprisonment, and Slander, be the Damage ever so great.

And in all Debts and Contracts, where the Plaintiff does not make out above 40 s. to be really due to him, the Defendant is discharged out of Custody, and so are all Executors and Administrators in all Cases whatsoever; which is not practised in any other Inserior Courts.

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If the Defendant tenders the Debt in Court, the Plaintiff does proceed on Peril of Costs.

This Court makes out no Writs of considerable Value, but where they are well affured, that the Cause of Action requires it.

As for keeping Debtors in Custody in the Prison of this Court, since the general Complaint of the Kingdom is, That Gaolers let their Prisoners go at large, 'tis to be hop'd this Complaint in general is no Fault.

No Person charged with less then 40 s. is detained in this Prison for such Debt, or the Gaoler's Fees.

And as to the Account of the Prisoners in that Catalogue, who are said to be in Custody for Debts under 40 s. it is Falle and Scandalous; a True One is hereunto subjoined.

A True Account of the Prisoners pretended to lie in Custody for Debts under Forty Shillings

in Cujio	ay joi Du	0,5	или	or 1 orty orinings
	Charged.	14.	5. 0	<b>!</b>
Peter Felix	27 Febr. 95			
Robert Cary	25 April 99		00 0	o In Execution.
David Jones	25 July 98	08	01 0	I In Execution.
Marmaduke Wilson Daniel Cornwall	30 May 98 8 Nov. 99	IO	00 0	Dec. 99. discharged, per Plaint
John Harper Nicholas Walters.	1 Nov. 99 30 Sept. 99		05 0 00 0 19 0	o Dec. 99. discharged, per Plaint?
Thomas Cheshire	18 April 99	08 04	19 0	
Robert Brown	25 Sept: 99	86 28		0
Leonard Johnson Henry Rutlidge William Mawman	1 Sept. 99 13 Octob.99 7 Sept. 99	42 12	00 0	In Execution:
James Phillips Joseph Rhodly Christopher Bradley	27 Sept. 99 12 April 99 9 August 99	20 10	00 0	
Ralph Hall Henry Boone Thomas Walters	22 May 99 28 Sept. 99 18 Sept. 99	20	00 0	Discharged.
Edmund Walker	17 Sept. 99 20 Nov. 99	35	00 0	D
George Leverick Lewis Price John Wharton	25 Nov. 99 7 Octob. 99	04 04	19 0	Nov. 99. discharged.
James Gerwin	14 Octob.99	12	19 0	
John Surpless Charles Dodson	28 April 99 10 August99		00 00	
Thomas May William Feast	9 Nov. 99 15 Nov. 99	04 10 10	00 00	
John Tayler William Welch	24 March 98 30 Octob.99		19 00	
Christopher Brown John Lewis	22 Nov. 99 17 Oftob. 99	04	19 00	
William Tutchfield	3 Nov. 99	04 01	19 00	
Thomas Tompkins	6 Sept. 99	64	00 0	
		10	19 00	
			19 0	
Thomas Jones	15 Sept. 99	04	19 0	
John Green Thomas Morgan	11 Nov. 99 28 Nov. 99	18	00 0	
Tobias Sheat George Ewer	122 Nov. 99	04	19 0	2 Dec. 99. discharged.
Thomas Weston John Williamson	24 Nov. 99 6 Octobr.99	80	00 0	
Robert Price	23 Nov. 99	30 40	00 00	
		15	00 00	
Henry Brenker	17 Jan. 99	50	00 00	
James Moncrife James Sweetman	18 Octob.99 21 Sept. 99	20 80 60	00 00	
Lewis Price	25 Nov. 99	05 04	19 0	8 Dec. 99. discharged, per Bail.
Ann Mochear Hicks, alias,	19 July 99 13 Sept. 99	04	19 0	4 Nov. 99. discharged, per Cur,
Mary Cary		07 04	19 0	
Mary White Ann Addersheege	28 April 99 21 June 99	10	19 0	
Sarah Hall Ann Aligood	9 August 99 18 Febr. 98	04	19 0	o 19 June, 99. discharged, per Car
John Aldridge Mary Evans	I April 99	Jo	,00 0	
Sarah Buxton	7 Sept. 98		00 0	



## An Answer to the PAPER, Entit'led,

The STATE of the

Marchal's Court.



# An Answer to the PAPER, Entit'led, The STATE of the Marshal's Court.

## CASE

OF

### Hannah Macdonnel,

N 86, by certain Articles upon the said Hannah's Intermarriage with Randall Macdon-nell Esq; It was agreed, That 7000 l. part of her Fortune should be laid out in Ireland, in Trust to secure to her 300 l. per Annum Separate Maintenance, and the whole Produce of the said 7000 l. for her Joynture, if she survived her said intended Husband, and the Liberty to dispose of 500 l. by her Last Will; and the said 7000 l. to go to her Children after her and her said Husband's Death.

The said Randall, pursuant to the said Agreement, and with Consent of the said Hannah's Trustees did in Mortgages, upon personal Security. and in purchase of some Lands, lay out a great part of the said 7000 L in Trust for the said Hannah, and with Intent to

Secure to her the Benefit of the faid Marriage-Agreement.

The faid Randall being a Menial Servant of the late King James, and in no other Station, was Indicted and Out-law'd in Ireland; and yet notwithstanding several Enquiries made for Forseited Estates, no part of the said Estate so laid out, was or could be discover'd, for that the Transactions in laying out the said Money were all in England, and the Deeds

in Custody of the said Hannah.

His Majesty being pleas'd, in order to discover all Forseited Estates by Proclamation, to offer a fourth part to each Discoverer; and the said Hannah and her Children of the said Intermarriage, being in a very necessitous Condition; and being encourag'd by his Majesty's wonted Clemency and Justice, she did by Petition set forth her Right to the said Separate Maintenance, and humbly pray'd the Benefit of the said Marriage Articles, and such fourth part as a Discoverer; and thereupon offer'd to make out the said Randall's Title to the said Money so laid out.

All and every the Premisses, being upon full Proof made out to His Majesty's Officers, and it being likewise reported to His Majesty by the Government in Ireland, that no part of the said Randall's Estate was then discover'd, or could be effectually discover'd there

without the said Hannah's Assistance.

Whereupon His Majesty was graciously pleas'd by Letters Patents to grant to Charles Campbel Gent. all such Lands and Interests whatsoever of the said Randall, as had been or should be discover'd by the said Hannah, in Trust to secure to her and her Children the said 300 l. per Annum Separate Maintenance, and the Arrears thereof; and surther in Trust, to secure to her such Fourth part of the residue; and as to what should remain over and above in Trust for His Majesty, &c.

The said Hannah, being thus secur'd by His Majesty's Proclamation, the publick Faith of the Nation, the said Agreement and Patent (pursuant thereunto) commenc'd various Suits against the Persons, whose Estates were so Sold or Mortgag'd to the said Randall; and after much Trouble and Vexation, and after being at 1600 L. Expence at least, she made out

the King's Title to the same.

By the late Act for Sale of Irish Forfeitures, the said Estate is vested in the Trustees appointed by the said Act, all Grants made by the King of any of the said Forseitures revok'd, and no provision made for the said Hannah, tho it be well known, that the Publick could never discover the said Forseitures without her; and what she was to have by Agreement, was grounded upon publick Faith, and upon a very valuable Consideration; and besides, her

Case is the only Case of the kind in all Ireland.

But there being some Provision made for equitable Incumbrances in the said Act, the said Hannah was advis'd to claim the Benefit of the said Marriage Articles before the said Trustees, that is to say, the said 300 L Separate Maintenance, the Arrears thereof, and also the Benefit of the said Marriage Articles, after the Death of the said Randal Macdonnel her Husband; but lest the Trustees, who seem inclin'd against the Pretensions of the said Hannah, might dismiss her Claim, she got the same postpon'd, till after the 25th of March, to have thereby an Opportunity to apply to this Honourable House for relief.

In tender Consideration therefore of the Premisses, It is humbly hop'd that the Honourable the House of Commons by granting a Clause for that Purpose in what Bill they shall think proper, and in such manner as to them in their Great Wisdom shall seem meet, will secure upto the said Hannah and her sively young helpless Children, the benefit of the said Marriage Articles, and ratify and consist the said Agreement, and Patent made and past, pursuant to the said Proclamation and Publick Faith, by and on the behalf of His Majesty, with the said Hannah, as aforesaid, and grant her the benefit thereof, being the only Case of the kind in the Kingdom.

THE

### CASE

O F

Hannah Macdonnell.



## 94

## REASONS

Humbly offered by the

#### SAILORS,

TOTHE

Consideration of the Honourable House of Commons, for taking off the Q's and R's set upon their Names in the Navy Books.

Fleet to the fecurity of the Realm, Nature having placed your Island in fuch a part of the watry Globe, that the Land-men cannot be fecure without the affistance of the Sailors; nor can the Nation subsist under its own Laws and Fundamental Rights, without a good understanding betwixt both. The Sea not only affords you floating Castles, which are the Walls and Bullworks of your Nation, but it supplies you with the greatest part of the Money raised for the Defence of the Kingdom, for which Reason, the Abuses of the Sailors seem yet the more hard in point of Pay; for thus they seem to have a Natural as well as Rightful Claim to their Wages. Had the Money raised upon Land, been the only Sum appropriated for the payment of the Army, and the Tonnage and Poundage upon Shiping, with all Duties laid on Merchandize, outward and inward, appropriated for the Navy, the Sailors would have had a very pentrous Allowance.

Sailors would have had a very generous Allowance.

We do not complain of the Allowance made us by this Honourable House, it is indeed generous enough; we are content with our Wages, had we any way to come at our own; and we are persuaded that your Honours, when you gave us such Allowances for Provision and Ross did intend it should be equally distributed according to the true Intent and Menning of your Acts. We cannot find in any of your Acts the Commissioners of the Admiraltry or Navy empowered to stop our Wages, under pretence of Q's and R's. We yet believe our selves to be English Men, entituled to our Franchises and free Birthrights, and must judge our selves to be so, until such time

as we are Bastardised by Act of Parliament.

The Soldiers have Judicatures appointed them, whether they may appeal, when abused in point of Pay; But the Sailors, who are bold to affert, that they have done the Nation as much Service, and earned their Money as hard as any, can appeal no where but to such Persons as have done them the highest Injustice, and are solely left to the Judg-

ment of their Enemies.

We are here unwilling to recriminate and urge the Hardships we have met with at Sea, by being put to short Allowance in the Channel, a thing unknown to former Ages; we are willing to forget our bad Provisions, the Pease, Bread, and stinking Beef and Pork we have eaten, when this Honourable House allow'd us all Species good in their kind. But the want of our Pay, after these Hardships, is a Greivance intollerable, when after so tedious an absence from our Wives and Families, we must have the unhappy entertainment to see them Starve at Home, and be curst by the Parishes to which they are now burdensome.

We hope this Honourable House is throughly sensible of our Hardship, in having our Wages detain'd from us, under the pretence of Q's and R's, and the deplorable Condition of our necessitions Families, occasioned by this Greivance, is worth the Consideration of this Honourable House, as also of their Compassion. A Sailor is able by his Employment to keep his Family from the Parish, when his Wages are duly paid him; but when detained from him after this manner, not only he, but those that have trusted him with their Stocks, in expectation of just Payment, must be burden-

some to their Neighbour.

We would therefore humbly urge our deplorable Circumstances as highly worthy the Consideration of this Honourable House: We hope our good Service may plead for us, and that the loss of our Blood and Limbs in the Service of our Country, shall be no occasion of the loss of our Pay. The Story of la Hogue will be a standing Monument of our Bravery to suture Ages, and we had no share in the Assair of Monsieur Pointy, or that of Tholoun, yet kept out of our Pay, when such Commanders as run away with their Ships had no R put upon their Names in the Navy-Books. We envy them not the Bounty allow'd them; we are contented with our Wages when we can get it. All we desire is the Payment of what we ventured our Lives to get; and we in all Humility hope we shall not incure the Displeasure of this Honourable House, when we complain of our loss of Pay, and of our being whipt and pickled into the Bargain.

The lamentable

## C A S E SAILORS

OF THE

#### English Ravy,

MOST

Humbly offer'd to the Confideration of the Honourable House of Commons.

We would discover hundly unge on denotable C. a. C. S. Charles and the second seco or Commission of the State of t The same of the sa 18 4V 81

#### Of the Captains of his Majesty's Fleet bumbly offer'd to the Honourable House of Commons.

It being generally believed, that the Captains who have served in his Majesty's Ships, during the late War with France, have been rewarded extra for their Service by double Pay, which on the contrary is of Loss to the Said Captains, and a confiderable Summ saved to the Nation.

Captain of a ist Rate having 754 Men allowed him, his fo		s. d.	
pay was	521 0		per M.
His Allowance of Servants being one to every 20 Men is		06 00	per M.
which amou		06 00	
The double Pay is		00 00	per M.
His Servants now allowed being 8, is		4 00	per M.
The Allowance with double I	The state of the s	4 00	per M.
So the Captain of a fifst Rate has less than formerly		2 00	per M.
Saved to the Nation by the Servants Provisions and Deductions in the Captains Pay	from } 36 1	1 00	per M.
A Captain of a 2d Rate's former Pay having 640 Men was		0 00	per Ma
His Allowance of Servants being 32 comes to		6) 00	per M.
Which comes		6 00	
어마님이 많은 아들이는 내용을 마음하게 하는 그들이 하는데 아이를 보면 하는데 하는데 하는데 하는데 아이를 보는데 되는데 하는데 하는데 하는데 하는데 하는데 하는데 하는데 하는데 하는데 하			
The double Pay is		0 00	
Servants now allowed being 8, is		4 00	per M.
The Allowance with Pay double	The state of the s		per M.
The Captain of a fecond Rate has less than formerly		2 00	per M.
Saved by the Servants Provisions and Deductions from the Captain	15 Pay 31 1	4 00	pex M.
A Captain of a third Rate having 476 Men his former Pay was	14	00 00	per M.
His Allowance of Servants being 23 comes to			per M.
		25 20 10 10 10 10 10	per M.
The double Pay is			per M.
Servants now allowed being 6 comes to	A SA		per M.
The Allowance with doubl			per M.
The Captain of a third Rate has less than formerly	Section 19 10 10 10 10 10 10 10 10 10 10 10 10 10		per M.
Saved by the Servants Provisions and Deductions from the Captains			per M
Cife. Rate			per M.
Saved to the Nation out of every 3 ad. Rate		YOU WANTED THE CO.	per M.
C3d. Rate		-	per M.
In all	88 (	6 00	per M.

And so proportionably for the rest of the Navy, which amounts to considerably more than he half Pay defired to be established.

And it appearing by the feregoing Scheme, that what his Majesty was pleased to design as encouragement to the said Officers, has been destimental, yet they were easy under it, it experistion of the promised flenche of half Pay whilst out of Employment, and it is hoped this Hohourable House will therefield Case into their most majore Confideration, and do (as they always have) promote the Honour of his Majesty, the Good of their Country, and Welfare of those who have ventured their Lives to make this Kingdom Happy, which the preserving of Officers to ferve upon any Emergency will undoubtedly to, especially if it be considered how fatal the want of them was likely up to in the beginning of the late War, and the encourage

atal the want of them was likely to be in the begin ment given in Peace to other Captain



I H E

#### CASE

Of the Sea Captains who have served fince the new Establishment.

By a Gentleman who has ferved in the Navy 25 Years. A Short MEMORIAL on the Behalf of those who are Comprized and Adjudged within ARTICLES in IRELAND, and who thereupon Reversed their Outlawries, and were Restored to their Estates.

have been thus Indemnify'd, being Ratify'd under the Great Seal of England, and in all Bills since then before the Parliament of England, relating to the Forfaitures of that Kingdom, there having been a sufficient Saving for those Compriz'd in such Articles, and in a late Act of Parliament in Ireland, there being a Clause for further Ratifying and Confirming all such Adjudications had, the Persons concern'd have no Cause to apprehend that what is now in Agitation in reference to the Irish Forseitures, shall subject them to the Inquiry of any Court to be set up, or otherwise affect them in their said Interest: But yet upon a Principle of common Prudence and Caution, some have thought it their Duty thus to inform the Honourable Members of both Houses of Parliament.

THAT on Ratification of the said Articles under the Great Seal, the Lords Justices and Council of Ireland, pursuant to Orders to that purpose, given by His Majesty under His Sign Manual, gave Publick Notice to all Persons who claimed Benefit of such Articles to attend them, and to put in their Claims.

THAT thereupon great numbers of them flock'd to Dublin at the same time, notice knowing how soon, or how late his Turn might come, and therefore several were forced to attend there for many Months together, at daily great Expence of maintaining their Witnesses.

THAT such was the Strictness used in adjudging any one within Articles, that upon any the least Cause of Doubt appearing, their Cause was adjourned from time to time, and some thus kept in Hand for a Year, and some for a longer or surther time, according to the weight of the Objection; and Adjudication in no Case obtained, till every Doubt and Scruple was fully answered; and even some who had their Adjudication before the Lords Justices, were afterwards summoned to a Rehearing before the Lords Justices and Council, and there forced to run thro' the Expence and Trouble of a Second Trial.

THAT as to all who claim'd under Articles as Officers, it was by a standing Rule made one Essential Part of their Evidence to produce their Commissions in Court; and before they could have their Adjudication, they were required to deliver up the the said Commissions, so that if they should be put again upon Trial, they are to seek for this part of their Proof.

THAT it being now Nine Years since the time of these Capitulations, the only Witnesses who could prove the Fact upon which some grounded their Claim, are dead; and so it is become impossible for them to make Proof upon any suture Trial; and some of the very Claimants themselves dead, and they who derive under them perhaps meer Insants, or such as may be altogether Ignorant of the Circumstances, or other Proof upon which they made out their Claim; and in either of these Cases the Persons concern'd, if the Matter be to be try'd again, are exposed to an Invincible Difficulty.

THAT some who were Traders are gone to the Plantations, or some other Foreign Parts; and if they shall be required to come back, and stand a second Trial, it may amount to the utter Ruin of them and their Family.

THAT of those thus adjudged within Articles, much the greater number are not in a Condition to bear the Expence of a further Trial, and in many Cases, (as afore suggested) it being now become impossible for them, or those who derive from them, to make out their Claim, it being (without any intended Resection) most evident, that they by whom they were Try'd and Prosecuted, were neither out of Inclination or Interest disposed too far to savour them.

IT is most humbly prayed, That such Regard be had to the King's Honour, and the Publick Faith, to their low Condition and Difficulties aforementioned, as that by the Bill now under Consideration, their Adjudications, with such Expende and Difficulty obtained, may not be fer aside, nor they required to stand a new Trials

A Short Memorial on the Behalf of those who are Comprized and Adjudged within Articles in Ireland, and who thereupon Reversed their Outlawries, and were restored to their Estates.

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to the form

The CASE of several Thousands of His MAJESTY's Subjects Entituled under the Letters Patents of King Charles the Second, to Annual Sums out of the Hereditary Revenue of Excise: Humbly Offered to the Consideration of the Honourable House of Commons. HE Parliament having Paffed, in 19 Caroli 2di, an A& for Affigning Orders in the Exchequer without Revocation, and therein expressed it to be made for the Advantage of the Trade of this Kingdom; and for Seven Years to give Credit to His Majesty's Exchequer; Also for Payment of Moneys that should be Charged on any Branch of His Majesty's Revenue: Several Goldsmiths and Others were thereby encouraged to Advance great Sums to serve Publick Occasions. But notwithstanding the said Act, His said Majesty in Council, on the 2d of January 1671, declared, That His Necessities forced Him to Postpone Payments in the Exchequer for One Year; And that the Lords of the Trea-fury should Employ and Dispose of all the said Moneys so stopped, for Setting forth and Payment of the Fleer, and other Publick Services, in order to the Preservation and Safety of The Money's Government, and Desence of His People: By which Stop in the Exchequer, the said Goldsmiths were not able to pay their Debts to Thousands of Persons, who had then Moneys in their hands. Therefore to Remove the great Difficulties which many Subjects may under by the faid Stop of Payments 3 And for want of a more Effectual Relief, His faid Majerty caused the Accompts of those to whom he was so indebted, to be frated by the Proper Officers; And for the Moneys which appeared due by those Accompts to each Respective person, His said Majesty by his Letters Patents, about April 1677, Gave and Granted to Each of his said Creditors, their Heirs and Assigns, in lieu and satisfaction of their Respective Debts, Annual Sums or Payments out of the Hereditary Revenue of Excile, answerable in Value to the Interest of their Respective Debts, at the Rate of Six Pounds per Cent. per Annum, to be paid Quarterly, and to be preferred before any other Payment out of the same, by Vertue or Colour of any Warrant, Order, or Directions whatsoever, of any After-Date, excepting only Necessary Sums for the Management of the said Revenue, and about 362091. 151. 4d. a Year, to the then Queen Confort, and Duke of Tork, with a Power of Redemption, upon Payment of the Principal Sum, and Arrears to that time; And pursuant thereto, the faid Patentees and their Affigns were paid in the Reigns of King Charles the Second and King James the Second, to Lady-Day 1683, but not any part fince that time, notwithstanding all due Applications to that purpose. Which Occasioned those Proprietors to have many Thoughts which way to be Relieved; And upon Application to the Members of the Honourable House of Commons, to know if it was not proper to offer their said Case to their Committee of Aggrievances, they were advised, First, to prosecute the Legal Remedy, which through great Difficulties hath been done, and by Ten Years Labour and great Charge the Title under the said Patents hath been folemaly settled and determined to be well Granted; And that the Patentees and their Assigns ought to be duly paid their several Yearly Sums, and the Arrears thereof; And accordingly a Judgment is given for Mr. Williamson (an Assignee of Sir Robert Pymer) for the Arrears of the Yearly Sum of Sixty Pounds, payable to him; And for the future Payment of the fame, out of the Hereditary Revenue of Excise; And the faid Revenue hath been also adjudged and determined to be legally Charged therewith, and with the Rest of the Yearly Sums, payable to the Respective Patentees and their Affigus. And now after the great and many Difficulties and unexpressible Miseries that several of these Proprietors have undergone for want of Payment, and the great Charges they have been at to Recover their Legal Effates, a Vote hath Passed on the 12th of March present, in the Honourable House of Commons, to Appropriate, amongst other Revenues, the Hereditary Revenue of Excise towards the Supply Granted for the Year Seventeen Hundred. So that by the faid Vote, the Estates of the said Patentees and their Assigns would be Invaded, should it Pass into an Act of Parliament; for fuch an Application, although but for One Year, it would be manifest Damage to the Proprietors concerned therein, and may tend to a defeating of the said Williamson from the Benefit of the Execution of the Judgment in his Favour, obtained in the most Solemn manner : Which it is humbly hoped and prayed, the Honourable House of Commons, will not be pleased to do, for the Considerations following : I. That the Overplus mentioned in the A& for Provision for His Majesty's Houshold, &c. to be at the Parliament's Disposal, is only of His Majesty's Estate therein; but not of what was before Legally Charged on the Hereditary Excise, and become His Subjects Property. II. That it is very unufual, that what is particular Persons Estates, should by a Law be taken from them to answer Publick Services. III. That Dispensing with Property, nath not hitherto been allow'd'; And may be of Example to Power at another time, to be the fole Judge of a Necessity when to do it, which in time may hazard our present Constitution. IV. That the Sufferings of the faid Patentees, and their Affigns, for Seventeen Years last past, without any just Colour, deferves Compassion and Relief: But a Continuance of such Hardships must Affect both the Iustice and Credit of the Nation. V. That the House of Commons are the Great Preservers of the Legal Property of the People of England. 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Proprietors of Annual Payments out of the Hereditary Excise, under Letters Patents of King Charles the Second.

It is not the Defign of the Petitioners to tro. The Case of the Non-Commission Offices of the Prisate Horiz Colonel Theodore Ruffel's Late Resupent 18,58) 16 107 the Res therein, have their bumble Petition now destuding hefore the Honoures very confiderable, to that it would appear to just and restromined to slugt dition fire, as would move the Compassion of his Honor rable

jesties Landing in the West, in the Yest 1988, (the Pathioners Equilibring themselves at their own Charges) and was tent over, with the first Forces, for the Reducing of Weltow, the Colling and the colling ing soon after given to the said Colonel Ruses a Foreigner Pand was one of the best Regiments in the Army, being chiefly compass of Veteran English Sold ers, formerly of Major General Worden's Regiment.

The faid Lord Delamer clear'd the Pay of the faid Regiment to the last day of August 1689, and the said Regiment having served from that time under the said Col. Ruffel, almost without either Cloaths of Pay, (and gone through as great Hardships, and done as good Service as any Regiment of 6 Troops in the whole Army) to the 20th of March 1690. Being 565 Days, was then broken by Virtue of his Majelty's Order to Lieutenant General Guinckell, of the 13th of January 1690. His Majesty's Command in and by such his Order, being, That upon the Breaking of the faid Regiment, the Collinission Officers should be paid off, to the day of their Disbanding, and the Private Soldiers and Non-Commission Officers,

with their Horses, continued in Pay, and immediately aisposed into other Regiments.

Persuant to such His Majesty's Order, the Peritioners being near Seven Score in Number, (or most of them) were upon the breaking the said Regiment put into other Regiments, and forthwith commanded away upon Duty So that they had no time either to get their Arrears, or 10 much as the 10 muc compts Stated, (nor have ever fince been able to to not and there's chart the Summ of Pive Thouland Pounds surely suc to start the first the field Cheques on the feveral Methers of the Regiment Late Regiment.

In further pursuance of His Majesties said Order, the said Colonel Rusel, and all the rest of the Commission-Officers, have received their full Pay for them selves and their Servants, to the very time of breaking the said Regiment.

And some few of the Non-Commission-Officers and Private Horsemen who then quitted His Majesties Service) likewise obtained their full Pay, and other of them, part of their Pay in Money, and Debenters or Notes for the Residue as appears by the Paymasters Books. But the Paymasters or their Deputy who paid the same, not being at that time apprised of reversal Publick Charges income on the Regiment, could not then make proper Deductions with them so the same. So that the whole Publick Charge for Debts in Quarters, Provision Officers, Recruit Horses, Cheques on Musters, and otherwise, amounting together to the Summis of \$416. all the rest of the Commission-Officers, have received their full Pay for them-House

Mrd it appearing by the Reft lutions of this Honourable House that the Army should be paid off, the Petitioners humbly prefumed to prefer their above-mentioned Petition, which by an Order of this House of the 7th of February Laft, was referred to a leico Committee, and the Petitioners, late ever fince (irom day to day) thely attended in Expectation to be heard; but could never obtain an hearing, or any day to be appointed for the same.

It is not the Defign of the Petitioners to trouble this Honourable House, or any Committee thereof, with the Particulars of their Accompts (as some others have done on Frivolous Occasions) or with any Clamorous Complaints against any Officer whatfoever; Bur what they humbly defire and hope for, is that if they could obtain an hearing before his Honourable House, their Case, as it is very confiderable, so that it would appear so just and reasonable, and their Condition fuch, as would move the Compassion of his Honourable House, humbly to represent the same to His Majesty; Or, to take such other Care for the Relief of the Petitioners therein, as to the Great Wisdom of this House should seem meet; It being very hard that all the Commission-Officers, and Divers of the Private Soldiers, who quitted his Majesties Service, should receive their full Pay, and the Petitioners, who continued therein to the last, be deprived of theirs, which they have earn'd with the frequent hazard of their Lives for the Service of their Ring and Countrey; and for want whereof many of them and their poor Families are now ready to perish.

And the Petitioners are very confident, that should his Majesty be graciously pleas'd to caule the aforelaid publick Charges of the Regiment ( which now frand as a Clog and Bar upon them) to be moderated, there would then be Money enough in His Majesty's Hand (according to the Establishment of the Regi. ment) to Pay the Petitioners all their faid Arrears; and that if His Majesty should also be Graciously pleas'd, to lay His Express Command upon the said Colonel and the other Officers of the Regiment, to State the Petitioners Accompts, they might then be in a Capacity of receiving their said Arrears, but

not before.

The greatest part of the saidPublick Charge of 9416 1. 15 s. 8 d. (now standupon the said Regiment) is for the Matters following, Viz.

Ordnance for Arms, Tents, and other Habiliaments of War	746 19 10
Thirty Eight Recruit Horfes	570 00 00
For 900 Sheep and 40 Bullocks taken by Liev. Col. Stewart	2974 6 4
Cheques on the several Musters of the Regiment	140 00 00 3656 4 0
demonstration in Idea in the second of the Color of the Second	3030 4 0
- there is a full river is some and a set of Together.	8087 : 10: 25

Nate, It seems very hard, that the Petitioners who Mounted and Equipp'd themselves at their own Charge, when they went into His Majesty's Service, and had their Horses killed under them, should be obliged to Pay, for Recruit Horses; Or that they should Pay for the Ammunition, which they spent in Fighting for the Liberty of their Countrey. And as to the Summ for Debts in Quarters, the Petitioners are very certain they, do not owe above 4 1. a Man (one with another) which is but about a fixth Part of the whole. It as will appear by their Particular Bills thereof now in Ireland, and it is very unequal to make them bear the whole; And as for the 500 Sheep and 40 Bullocks; if Liev. Col. Stewart took them, Liev. Col. Stewart ought to pay for them, and not the Petitioners who had not a Hoof thereof. And for the Cheques on the Musters, the same ought not to affect the Petitioners who defire to be paid for no longer time then they shall make it appear they were accounty in the Regiment, respectively; And His Majesty having been Graciously pleas it to take off the Cheques on other Regiments, the Petitioners humbly hope he will not be loss favourable to this, they being generally occasion dby Parties being out upon Duty at the tume of the Musters; and it would seem very severe that they should be debarr'd of Note, It feems very hard, that the Petitioners who Mounted and Equipp'd of the Musters; and it would feem very severe that they should be debarred of their Pay, for being at the same time upon the most hazardous Service.

son the Petitioners are very confident the hearing, (which they humbly defire) continue of the less to be at the House of the less that the less to never the continue of the less the less that the less the never the continue of the less that the less th

The State of Colonel Adam Murray's CASE to the Honour. 43. able the House of Commons Assembled in Parliament.

N the beginning of the Revolution in Ireland 1688. I raised a Troop of Horse for His Majesty King William, and the late Queen Mary, and the Protestant Interest.

And when the Army was Broke about 12 Miles from Derry, where he was Engaged the next day after: Of the broken Troops there joyned him 400 which continued with me near King James's Army when our Foot fled

into London Derry.

And in some few Days after King James with his Army surrounded all that part of Derry which lay open from the Sea; the Protestants within, before his Army was fully march'd up, sent a Letter to him that if he did not March speedily into the Town and Joyn them that Colonel Lundee was Articling and wou'd deliver up the Town to King James.

Upon which he began to March tho' Intercepted by the Enemies Dragoons,

which he charged through with the loss of Eleven of his Number.

And coming to the Gate he was soon received in; our Cannon and Mus-

queteers firing upon King James's Army who drew off.

Soon after he went with a strong Guard of Soldiers and Officers to Colonel Lundee, who told him they had Sign'd to furrender upon honourable Terms. and shew'd him the Instrument they had Sign'd, upon which he discharged him and those Officers with him from any fuch Treaty or Parly.

Asterwards we March'd to the Main-Guard and secured the Keys of all the Gates and Stores which the faid Colonel Murry kept for two Days; Colonel Baker then Joyning with him to whom he delivered the Keys, and whom we choose for our Governour; he had the Command of all the Horses, and there

were Seven Reigments of Foot.

He was in all the Sallies which was frequent and fuccessful till about eight Days before the Irish Army fled from before Derry; he was unfortunately shot through the Body as we pursued the Enemy within their Trenches. and whom we beat.

And after he recovered of his Wound, continued a Reformed Officer according to the King's Letters to Duke Schomberg, that the Derry Officer should be continned in full pay till provided for in equal or better Posts, the Copy of which

Letters are in readiness to be produced.

In 1691, General Deginhell sent him from the Camp to the Lords Justices in Dublin, where he was intrusted with a Commission to Command the Militia of the Province of Vifter: The words of which Commission, was to all Officers and Soldiers of the Militia within the Province of Ulster, and to all Officers and Soldiers of his Majesty's Army who shall be posted in any part of the Said Province with the Militia, that they be obedient to your Order; which Commission is in readiness to be produced.

Also Letters of Thanks from General Deginhell for the Forces under his

Command with Directions and Orders, which he also hath.

He never had any Reward for all his Services and Sufferings, but a small Thing from his Majesty which is called Bounty-Money, and 201 from my Lord Cunningsby, and upon the abovefaid Commission served three Years and some Months in my Lord Charlemount's Regiments till the Reigment was Broke, upon the aforesaid Commission.

I Commanded the first Regiment of Horse that served their Majesty's in Ireland, and the first that we hear off that eat their Horses, and sought with

the rest of the Foot Army against the Enemy during the Seige.

There was fix Regiments of Foot and one of Horse which Colonel Micklebourn makes no mention of, as he understands in his Petition which may Merit Consideration of this Honourable House.

AND he having no Estate is brought into considerable Debts, and his Family brought to Ruin and Misery, unless relieved by the Justice of this Honourable

> All which is I humbly refer d to the Confiderations of the Honourable the House of Commons of England, in Parliament Assembled.

The State of Colonel Adam Murray's CASE to the Honour. 43. able the House of Commons Assembled in Parliament.

N the beginning of the Revolution in Ireland 1688. I raised a Troop of Horse for His Majesty King William, and the late Queen Mary, and the Protestant Interest.

And when the Army was Broke about 12 Miles from Derry, where he was Engaged the next day after: Of the broken Troops there joyned him 400 which continued with me near King James's Army when our Foot fled

into London-Derry.

And in some few Days after King James with his Army surrounded all that part of Derry which lay open from the Sea; the Protestants within, before his Army was fully march'd up, sent a Letter to him that if he did not March speedily into the Town and Joyn them that Colonel Lundee was Articling and wou'd deliver up the Town to King James.

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## CASE

Of the PARISH of

## Alhallows on the Wall,

In the City of LONDON.

With the Reasons of the Parishioners Humble Petition to the Honourable Honse of COMMONS, for Assistance to Re-Build their Parish Church.

HE Parish Church of Alballows on the Wall, is in a Ruinous Condition, and the Parish it self, esteemed the Poorest within the Walls of London; the Number of Indigent Persons therein being very great, and the Revenue thereof very inconsiderable; so that to Maintain their Poor, the Parishioners are Yearly obliged to Charge themselves more than double, to what they have formerly Paid.

The State of the Inhabitants at present is such, that the Church cannot be Re-Built by them; the Burden would be insupportable.

It lately Cost the Parishioners above-mentioned, a very considerable Sum to Repair the said Church, and support one of the Chief Pillars of it, so greatly deficient, that they could not longer, with safety, assemble together therein: And to put it at present, into a secure and decent Condition, will Cost more than the Inhabitants can possibly raise.

The late Dreadful Fire approaching so near the said Church, occasion'd, that the Steeple (being built of Wood) should be taken down, for the security of the Church it self, and the adjacent Houses; and some material parts of it were then sawn as under, and the Steeple it self, tho left standing, considerably impair'd and weakned thereby.

The Inhabitants of the Parish aforesaid, have chearfully submitted to the Imposition upon Coals, for Re-Building and Repairing all the Churches consum'd by the said Fire, and do therefore hope, That a small share out of the said Duty, may be apply'd to the Re-Building of their Decay'd Church, it being utterly impossible for them to Re-Build the same.

of Achorows on se wall



The CASE of the Inhabitants of the Hamlet of Spittle-fields, with Relation to their late Petition for a Supply toward Building a shitaeficks. Church or Chappel, for the Use of the said Inhabitants, Humbly laid before the Honourable House of Commons.

HR Hamlet of Spittle-fields is part of the Parish of Stepney, Their Parish Church is far distant, and not very large, The Parisbioners so Numerous as in the Bills of Mortality to bear the Proportion of more than two Thirds to the whole City of London within the Walls. The Inhabitants of the faid Hamlet of Spirile-fields by a moderate estimate, amount to more than fifteen

thousand Souls, and their Poors Rate Communibus Annis is not less then Twelve Hundred Pounds.

Their Numbers being fo great, they have often desired a Church or Chappel of Ease, with a Burying-Place, which might hold some Proportion to them: And the Reverend Mr. John Wright the present Vicar of Stepney, has feveral times declard his Readiness to promote the same by his own Friends and Interest.

Some Years fince Sir G. W-rto encourage the Building of fuch a Church or Chappel, by a Solemn Instrument drawn up by himself, and under his own Hand promis d Five Hundred Pounds in Money and Moneys-worth, and some of the Inhabitants subscribed readily, yet, though Trading were then very Good, the Inability of the faid Inhabitants to accomplish so great a Work appear'd but the more plainly, and the Design prov'd

In the Year 1693. Sir G. W .-- r, with the Affistance of Mr. Too. Seimour Goldsmith, purchas'd an old Tabernacle and fet it up on a little piece of Ground of his own, the Purchase, Remove, and Fixing it, cost One Hundred Pounds: The Dimensions of the Tabernacle are about 30 Foot wide, 50 long; the Ground is stands on is 16 Foot Southward, but cut off by a Brick-House 12 Foot Northward, 8 and 9 Westward, and 10 Eastmard: A Garden lies on the South, out of which he promis'd 100 Foot in length, and 30 Foot in Breadth for a Passage and Burying-Place: And this he pretended to give to the Hamlets of Spittle-fields, the Old Artillery-Ground, and Northeme Falgate, for a Place of Divine Worship.

Northeme Falgate and the Old Artill ry-Ground are Extraparochials, are inhabited by more then Four Hundred.

Families, and have no manner of Concern with Spittle-fields.

The first Provision for this Tabernacle was a Pulpit, a Reading Desk, and two and twenty Fourms of about

Eleven Foot each in length.

On this Mr. Milbourne a Conformable Clergy-man adventur'd, and open'd the Place with Prayers and Preaching on Christmas Day, in the Year 93. He was approved and recommended by the Right Reverend the Lord Bishop of London, chosen and agreed to by the People, accepted by Sir G. W--r, the People being the more satisfied by reason of those Hopes they had, that their Forwardness might be a Motive to the High Court of Parliament, when the Act for Building and Finishing the Cathedral of St. Pauls should be renewed. to grant that Humble Petition, they have now with all inbmission given in to this Honourable Honse.

Sir G. W-r profest openly, That He gave the Tabernacle aforesaid, to the Hamlets above-named, Con-

gratulated their Choice of Mr. Milbourne, who was Licented accordingly, at Sir G. W-rs own Motion, by the Bishop himself, to be Curate there. Mr. Milbourne officiated duly, Pray'd, Preach'd, Catechis'd constantly, was respected, brought many to the Publick, got a reasonable Subsistence among them; The Hearers laid out more than One Hundred Pounds in Seats and Galleries for the greater Convenience, so as its capable of near five Hundred People, and all this in Confidence of Sir G. W-rs kind meaning, and an Opportunity of Petitioning this Honourable House on the now emergent Occasion for some Assistance to Build a greater, and more convenient Place for Worthip.

Sir G. W-r foon cut off the Entail of the Ground on which the Tabernacle stood, and instead of fettling it in Trustees for the Use of the Neighbourhood, settled it on himself and his Heir Male, during each of their Natural Lives, and after their Decease to Devolve on Lincoln College in Oxon.

Next he takes upon himself as Minister of the Tabernacle, Disturbs the

Curate in Officiating; \* Appoints New Orders, not us'd in other Churches, gives great Trouble and Dissatisfaction to the Congregation, makes a long and notoriofly Scandalous Speech to them against their Curate; and after tential Plalm before the Litany, beginmany other Disorders committed, on the Sunday before Christmas-Day, in the Year 1695. the said Sir G. W-r seizes the Keyes of all the Doors of the Tabernacle, forbids Mr. Milbourne the Pulpit, gives Another Unlicens'd Clergy-man possession of the Reading Desk, sets a Chair before the Pulpit Stairs, seating bimself in it during all the Time of Prayers, to prevent Mr. Milbourn's Preaching; and in thort, forc'd the much greater part of the Congregation to hire a large Throwsters Shop, then by chance empty, at a very great Charge, where by and with the Express Order and Consent of our Right

Reverend Diocesan they have since continued, Prayers, Preaching, and constant Catechising, being there still carryed on by the Curate Mr. Milbourne.; But the place they so meet in, tho' far bigger then Sir G. W—rs Tabernacle is much too little for those wast Numbers which would gladly attend the publick

\* Such as Singing Plalms before the beginning of Morning and Evening Prayer, Preaching in the Surplice finging a Penining the Communion-Service on Sa-Table but a Linnen Cloath, and ordering the Clerk to bring in the Bread and Wine in a Wicker Basker and Glass Crewets at or just before the Prayer of Confecration, &c. See his Letter to Mr. M. of Form. 12. 93.

Sir G. W—r still Officiates in his own Place, has an Unlicens'd Affisher under Him, does what himself pleases undisturbed, has a full Congregation from the Old Artislery Ground, Northeme Falgate, and some sew of the Inhabitants of Spittle-fields, whom the nearness invites to it; But neither does not can supply our great Numbers with any such Place as we Petition for. Only He refuses to repay that Money which many of the Inhabitants out of their very strength Circumstances had laid out in Seats and Galleries, and endeavours to keep the Reighbourhood who were schooling.

well-minded, and ready to perform their Duties in all respells bleb to their God, and to their King.

The Reverend Mr. Wright, our Vicar, (who is most concern'd, had we presented any unjust Petition) approves of our Request, and the best of our Neighbours, who make use of Sir G. W-r's Tabernacle have joyn'd with us in it, as being sufficiently sensible of the Unsuitableness of that for our Extraordinary Necessia.

These Reasons have the more strongly obliged Us, to present our Humble Petition at this time, and We cannot Doubt the Favourable Affistance of this Humarable House in so Pieus and Necessary a Work, the Attempts of all troublesome, unconcerned and busic Persons to the contrary notwithstanding:



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A Particular of the Silks, and a Specimen of the Toyes and Handicraft-Wares, which came from the East-India, on the Ships Martha, Sarah and Dorothy; with the Rates at which they were sold at the late Sale at the East-India-House; according to the Books of 46 Sales of these Ships, and Printed Cargoes.

On the Ship Martha, made of Silk, Herbs, or Mix'd.

Tlasses 4570 pieces, at 21. 10 s. per piece, 011425 Addaties 1030 pieces, at 11. 001030 001285 Chawters 1285, at 1 l. Cherconnes 380, at 1 1. 000380 003800 Chucklaces 1900, at 21. Jam Wares 295, at 21. 000590 Mahobutt Bannes 936, at 1 l. 000936 Peniascoes or Penasses 1667, at 1 l. 10 s. 002500 000258 Pholcaries 129, at 21. Romalls 21415 pieces, at 16 s. 017132 000828 Seerfuckers 552, at 1 l. 10 s. 018532 Soofeys 7413 pieces, at 2 1. 10 s. Shaulbafts 716, at 1 1. 000716 Taffeties 14645, at 21. 029290 Herba-Taffeties 2405, at 1 l. 002405 Silk Lungees 2436, at 1 l. 002436 Herba and Cotten Lungees 5200, at 3 s. 6 d. 000910 Nankeen Taffeties 118, at 41. 000472 Muttrasses 603 pieces, at 21. 8 s. 001447 Elatches 185, at 18 s. 000166 Nillas or Bengalls 11430, at 22 s. 012573 Putkaes 1238, at 17 s. 001052 Ginghams coulour'd 5691, at 23 s. 066594 Canvas 232 Bolts, at 2 l. 000464 On the Ship Sarah, made of Silk, Herbs, or Mix'd.

	l.
Houters 230 pieces, at 1 l. 5 s.	00287
Gelongs 1360 pieces, at 1 /.	01360
Hockings 1000 pieces, at 14s.	00700
Paunches 1417 pieces, at 1 l.	01417
Pelongs 485, at 1 1. 5 s.	00606
Romalls 2623, at 16 s.	02098
Shalbafts 95, at 3 l.	00285
Soofeys 401, at 2 l. 15 s.	01102
Taffeties 1552, at 2 l. 4 s.	03414
Gawzes 153, at 1 1.	00153
	11422

On the Ship Dorothy, made of Silk, Herbs, or Mix'd.

	l.
DAunches 6207 pieces, at 1 l. 6 s.	08069
Gelongs 5192, at 1 l. 1 s.	05451
Ditto, Printed and Painted 392, at 11. 10 s.	00588
More striped 1018, at 1 %.	81010
Pelongs 5948, at 1 1. 10 s.	08922
	01380
Yelvets 345, at 41. Sattins 107, at 51.	00535
Damask Nankeens 103, at 51.	00515
Damask Nankeens 103, at 51. Sattin Nankeens 403, at 51. 105.	02216
Sattins plain 87, at 3 l.	00261
China Silks 133, at 41.	00532
Gorgoreas 118, at 4 l.	00472
Taffery Nankeens 81, at 31. 10 s.	00283
Sattins, &c. 169 pieces, at 4 1. 10 s.	00760
	<u> </u>
	31002

Toyes and Small Goods, by the Sarah and Dorothy.

	그러워들이 화면 가게 되었다면서 이번 사람들은 이렇게 되었다면 하는 것이 없는 것이 없을데 함	The same of the state of
		1.
	Hina-Ware pieces	150000
	Fans	038557
	Lacquer'd Sticks for Fans	013470
	Lacquer Trunks, Escretors, Bowles, Cups, 3 Dishes, &c.	010500
	Lacquer'd Tables inlaid	000189
	Lacquer'd Pannels in Frames, painted and carv'd for Rooms,	000047
	Lacquer'd Boards	000178
	Lacquer'd Brushes	003099
	Lacquer'd Tables, not inlaid	000277
	Lacquer'd Fans for Fire	000174
	Lacquer'd Boards for Skreens	000054
	Skreens fet in Frames	000071
	Paper Josses	001799
	Shells painted, double gilt	000281
	Parcels of Indian Robes	000098
	Silks painted for Shafhes	000260
	Paper painted for Fans	000377
	Images of Copper, Stone, Wood and Earth,	000600
	Pictures	000669
	Petticoats of painted Silks	000040
	Quittefolls	000098
	Brass and Iron Frames and Leaves for Lanthorns	
,	Brafs Hinges in Chefts	
	Embroideries for Curtains, Valloons, and Counterpaines	
	Quilts and Petticoats	
	All Sold, by the best Account taken, for above	050000
	Goods by the Martha,	117225
	Goods by the Sarah,	011422
	Goods by the Dorothy,	031002
	Goods by the <i>Dorothy</i> , Toyes and fmall Goods,	050000
		209649
	Besides great Quantities unfold.	

Whether the Silks and Goods mentioned, as well as great Quantities of Painted and Dyed Callicoes from India, not taken notice of in this Lift, be spent here in England, in the room of our Home-made Silks and Woollen Manufactories, and with the Toys and Handicraft-Wares (being it will appear upon Examination) that all are purchased with our Mony, do exhaust the Treasure of the Nation, deprive the Poor of their Livelihood, and hinder the Consumption of our Wooll and Products, and may not probably increase ad infinitum, unless a Stop be put to their Consumption by this Honourable House; is humbly submitted.

Since the Adversaries of the Bill now depending in the Honourable House of Commons, For Restraining the wearing of India Silks, &c. have spread Reports how greatly this Trade is courted by our Neighbours, and particularly how the French King encourageth Foreign Trade; we thought it necessary, for the Satisfaction of all those Worthy Persons before whom this Affair lieth, to get an Authentick Copy of the French King's Order of Council, in that respect; whereby any un-prejudiced Person may see the Sense they had of it, and the Proceedings they made upon it.

## Extrait des R EGISTERS du Conceil d'Estat.

E Roy estant informe que la grande quantite de Toiles de Cotton peintes aux Indes, ou contrefaites dans le Royaume, & autres Etosses de Soye a sleurs d'Or & d'Argent de la Chine & des dites Indes, ont donne lieu non seulement au transport de plusieurs millions hors du Royaume, mais encore cause la diminution des Manufactures etablies de longremps en France pour les Etoffes de Soye, Laines, Lins, Chanvres, & en mesme temps la ruine & desertion des Ouvriers, lesquels, par la cessation de leur travail, ne trouvant plus d'occupation, ny de subsistance pour familles, sont sortis du Royaume. A quoy estant necessaire de pourvoir, & pour cet effet empescher le cours & le debit dans le Royaume desdites Toilles peintes & Etoffes de Soye des Indes & de la Chine, en accordant neammoins un temps raisonnable a ceux qui en sont chargez pour les vendre & s'en defaire. Ouy le raport du sieur le Peletier Conseiller ordinaire au Conseil Royal, Controleur general des Finances: Sa Majeste' en son Conseil a ordonne & ordonne, qu'a commencer du jour de la publication du present Arrest toutes les fabriques etablies dans le Royaume pour peindre les Toilles de Cotton blanches cesseront, & les moules servans a l'impression d'icelles seront rompus & brisez. Fait sa Majeste tres expresses de ses retablir, & a tous ses Sujets de peindre les dites Toilles, & aux Graveurs de faire aucuns moules servant a ladite impression, a peine de confiscation des Toilles, moules & autres ustanciles, & de trois mille livres d'amende payable par corps & sans deport, applicable un tiers au Denonciateur le second aux Hospitaux des lieux, & le troisieme au Fermier du Domaine. Et a l'egard des Toilles peintes & autres Etoffes de Soye a fleurs d'Or & d'Argent des Indes & de la Chine, Sa Majeste a accorde & accorde jusq'au dernier Decembre de l'annee prochaine 1687. aux Marchands & autres qui en son chargez pour les vendre & s'en defaire, ainsi qu'ils aviseront bon estre; apres lequel tems fait sa Majeste deffenses a tontes personnes de quelque qualite & condition qu'elles soient, de les exposer ny vendre, & aux particuliers d'en achepter. Ordonne que celles qui seront trouvees dans les Magazins & Boutiques seront bruslees, & les Proprietaires condamnez en pareilles amendes de trois mil livres applicable comme dessus. Permet neanmoins sa Majeste l'entree, vente & debit dans le Royaume des Toilles de Coton blanches en payani les droits portez par l'Arrest dudit Conseil du 30. Avril dernier, qui sera execute, ensemble celuy du 15. du present mois jusqu' au dernier Decembre de l'annee prochaine 1687. seulement. Enjoint sa Majeste au sieur Lieutenant de Police de la ville de Paris, & aux sieurs Intendans & Commissaires departis dans les Provinces & Generalitez du Royaume, de tenir la main a l'execution du present Arrest, qui sera pubile & affiche par tout ou besoin sera, a ce qu'aucun ne'n ignore. Fait au Conseil d'Estat du Roy, tenu a Fontainebleau, le 26 jour d'Octobre mil six cens quatre-vingt six. Signe, COQUILLE.

A Decree of the Kings Counsel of State, concerning Cotten Linnen-Cloth, Printed in East-India, or Painted in the Kingdom; and other China and India Silks, Stuffs, and Flower'd with Gold and Silver. Given the 26th of October, 1686. Extracted out of the Register of the Council of State.

HE King being informed, That the great quantity of Cotten Linnen-Cloth, printed in East-India, or painted in the Kingdom, and other China and India Silk, Stuffs, and Flower'd with Gold and Silver, have not only given occasion of Transporting out of the Kingdom many Millions, but also have diminished the Manufactures of old established in France, for the making of Silk, Woollen, Linnen and Hemp-Stuffs; and at the same time the Ruin and Destruction of the Working-People, who by want of Work, having no Occupation nor Subfiftance for their Families, are gone out of the Kingdom. The which being needful to provide a Remedy for, and for that effect to hinder the Course and Sale in the Kingdom of the faid painted Linnen-Cloth, and India and China Silks and Stuffs, nevertheless granting to the Owners a reasonable time that they may sell them; Having heard the Report of Monsieur le Pelletier, Counsellor Ordinary of the King's Royal Counsel, and Comptroller-General of the Finances; his Majesty in his Counsel hath ordered, and doth order, That from the beginning of the Day of the Publication of the present Declaration, all the Manufactures established in the Kingdom for Painting of the White Cotten Linnen-Cloth shall be abolished, and the Moulds serving to the Printing of them shall be broke and destroy'd. His Majesty doth forbid, most expresly, the re-establishing thereof; also to his Subjects the Painting of the said Linnen-Cloth; and to the Engravers the making of any Moulds, serving to the said Impression, under the Penalty of losing the faid Cloths, Moulds and other Utenfils, and three thousand Livers Fine, personally paid and without dimunition; one third part to the Informer, the second part to the Hospitals of the Place, and the third to the Farmers of the Revenue. And as concerning the painted Linner-Cloth, and other China and India Silk, Stuffs, and Flower'd with Gold and Silver, his Majesty hath granted, and doth grant (to the last of December 1687, next) to the Merchants and others, the Permission of Selling them as they shall think fit: The said time being expired, his Majesty doth forbid to all Persons, of what Quality and Condition whatsocrathey are, the Exposing and the Selling thereof; and to the Particulars the Buying thereof, doth order. That those found in all Ware-Houses and Shops shall be burne, and the Progressers condemned to the like Fine of three thousand Livers, paid as abovelaid. His Majesty doth permit, nevertheless, the Entry, Sale and Retail, of the said White Linners and in his Kingdom, paying by them the Taxes, according to the Declaration of the Counsel the 30th April last, which shall be executed; and that of the i third the present the sound of the Rolling published and affect in all the Praces where need shall be the account thereof.

Done in the King's State-Council held at Fontambleau, the 26th Day of Others, 1686. the 26th Day of October, 1686.

med COQVILLE



AN
ACCOUNT
Of the late SALE of
India Silks, &c.
with
The French King's Decree
Concerning those

Manufactures.

## TO THE

## Honourable House of Commons now in Parliament Assembled

The Humble Petition of the Poor Prisoners in Ludgate

Sheweth,

HAT Your Petitioners being at least Three Hundred in Number, by divers Losses and Misfortunes, together with the Deadness of Trade, are Reduced to a very Mean and Low Condition, most of them having groaned under the Heavy Burthen of Long Confinement, whereby they are rendred un-

capable of supporting themselves and their Miserable Families, and of being serviceable unto their King and Country (being Buried alive in the dismal Grave of Close Imprisonment) by their Merciless Creditors, whose Cruelty is so great, that they will neither Commiserate the Distresses of their Wives and Children, (who daily cry for Bread,) nor allow them Time to pay their Debts, insomuch that they must unavoidably perish for want of Sustenance, unless they are Retrieved by the Mercy and Goodsiess of our Gracious Soveraign, and this Honourable House.

May it therefore please Tour Honours to take into Your Pious Consideration the Sad and Deplorable Condition of Tour Poor Petitioners, and their Necessitated Families, by being Instrumental that an Act of Grace may Pass for their Enlargement, that so they may be preserved from utter Ruine and Destruction, who are ready to Satrifice their Lives at His Majesties Feet; For whose Long and Happy Reign, and the Lives and Union of Both Houses of Parliament,

Tour Petitioners, as in all Duty Bound, do daily Pray, &cc.

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May it it refore pictic for the Pions of Pions of Prions of Point Poor Petitioners, and their New View Poor Petitioners, and their New Pafe their Enternance in the their Enternance is the they and from atter Ruine and Definition, who a crifice their Lives at Itis Majestics I.e. Long and Happy I vize, and the Lives ... Long and the Lives ... Long and the Lives ...

## Considerations

Humbly Offered

England from H. 19

To the Honourable House of Commons, by the Planters, in relation to the Bill to settle the Trade to Africa.

HAT it being of so great Importance to this Nation to Encourage and Support the Plantations, it will be of absolute Necessity to have them plentifully supplied with Negroes, by whose Labour and Strength all the Commodities of those Countries are produced, which Production is all clear Gains to this Nation, and better than the Mines of Gold and Silver are to the Spaniards.

There is not a Negro but produces as much Commodity, either Sugar, Indigo, Tobacco, &c. as will load one Tun of Shipping, the Increase of which Product will also largely encrease the Consumption of the English Woollen Manusacture, and augment the Revenue of the

Crown.

A great Quantity of the Product of our Plantation-Commodities, will enable the English Merchant to make large Exportations to Forreign Markets, and put them into a Capacity to underfell all other Nations that vye with us in the same Commodities, which will not only discou-

rage their Plantations, but greatly encourage our own.

Since the African Company are so very desirous to be Establish, the better, as they say, to preserve the Gold Trade, and demand a Duty to maintain their Forts and Castles at Gambio, and on the Gold Coast: We the Planters do say, that we are willing to pay such a Duty as this Monourable House shall deem necessary for the Trade to Gambio and

the Gold Coast; viz. from Cape Blanco to the River Vultus.

Therefore since the Plantations are not against paying a Duty for that Trade, they Humbly hope, that what is of undoubted Necessity for their Support, may be had cheap, plentiful and easie; desiring only that the Coast from River Vultus to Angola, and Cape Good-bope, may be free and open for all the Planters and Merchants of this Nation to trade to, without any Duty or Incumbrances laid on them by the Company, in regard, in those Places there are no Forts, nor will the Natives suffer any to be built, nor are they needful, as hath been found true by a long Experience of Trade with the Natives of those Countries, who always treat civilly, and deal honestly with all Persons that come amongst them to Trade.

The Company not being at any charge to maintain Forts or Castles in the Places, from River Vultus to Cape Good-hope, it will be a great Hardship, and a heavy Tax on the Plantations, to pay a Duty to their Prejudice, only to assist and help maintain the African Company in their Trade.

The Planters being humbly of Opinion, that the Interest of the Plantations are of infinitely greater concern to be preserved, than any Company with a Joint-stock can pretend to.



## CONSIDERATIONS

Humbly Offered

By the PLANTERS,

In relation to the BILL,

To Settle the Trade to Africa.



May it please Tour Honours,

HERE is no question, confidering the great Grievance of our Bad Money, but many Proposals will be made to Your Honours for Redressing the fame, wherefore, among the rest, I presume, a fecond Yane, humbly to offer my Opinion, as follows.

Josopolal 1. T. H. A. T. all the Old Money be called in, and new Coin'd into Mill'd Money, of, or near, the intrinsick Value of Silver Bullion, and Standard Finencls, according to all by-past Custom in the like, Case,

A-N D here it feems necessary to fix the Price of Bullion, to prevent the Designs of ill Men, who will else be ever Hoisting the Bullion above the Coins.

- THAT the Old Money be Exchang'd for the fame, Take for Tale, without respect to Weight or Goodness. 4 Proposal
- cient and fure Fund be settled by Act of Parliament to incourage the bringing in of all useless and superfluous Silver Plate (such as Tankarels, Cups, Pots, &c. in publick Houses) at certain Interest, and at the Currant Price: which Silver being strst Coined into Mill'd Money, let a Proclamation be issued for the Calling so much of the Old Money in, as the New Coin'd amounts to: Then Coin the Old into New of intrinsick Value of Silver Bullion, and let er Bullion, and ter Old be called in, to New of intrinfick Value of Silver Bullion, and let an equal quantity of the Remaining Old be called in, to answer the Product of the First; and so do till all be new Minted. By this Method the Mint will be immediately fet at Work, and the Running Cash will not be in the least diminished, during the New Coinage; which is a Convenience by no means to be overlooked in a Trading Countrey, and in an Affair of this Nature. in Proposel
- LET the Broad and Mill'd Money be call'd in First, and Chang'd, and probibited passing after a certain Day prefixed, which will prevent Melting down, and the surther increase of our Clipp'd, and Bad Money, and help considerably to make good the Loss that will be in the same. 4 lalodozek
- THAT Three New Mills be added to the Tower Mint, (where there is Conveniency enough for Ten) and so the whole Buhnels of a New Coinage will be performed in about a Tear and half. ÷ Propofal
- I HAI the Guinness fall gradually to their Intrinsick Value in Bullion by One Pears the first Day of every Month; which will be effected before the Completion of the New Coinage event Stock-Jobbing of them. of our Silver, and will Proposet

If the New Money, as fast as Coin'd, were sent into the Exchequer, and the Old, as it came in, sent to the Tower in lieu thereof; all Payments hereafter out of the Exchequer to be made in New Money, and all Taxes paid in Old, the New Money would quickly circulate through the Kingdom, and the Country be no more drain'd of its Cash than as the King's Taxes do it gradually; and this way, 'tis thought, all the Old Money in the Country will come to the Mint in less than Two Years, without any Trouble or Charge.

## F Un N Das.

1. Upon all forts of Cloaths and Stuffs per Pard.

11. Apon Deals, Bricks, Lead, and other Building Materials.

III. A General Poll Car.

IV. Apon Land-born Coal, Peat Delfs, Icon and Lead, to be Collected at the Delfs, or Pits, and at the Furnace.

V. A General Coll.

VI. Apon poples and Land-Carriage.

A N Y one of which would make a sufficient Fund for this purpose; but particularly the Two last, neither of which would be at all burthensome, or any ways hinder the Payment of the King's Taxes.

friedrate by

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## Petitioners C. A S

Corporation of OREORD in SUFFOLK

HIS Burrough is an Antient Corporation, and the Elections of Burgesses to serve in Parliament, have always been by all the Members of the Corporation, and not by any select Member.

They were formerly incorporated by the Name of Proborum Hominum, and after Grants were by the

Lion, and were incorporated by the Name of Mayor and Commonalty; and in that Charter it's faid, The Mayor, Eight Portmen, and Twelve Chief Burgesses shall be the Mayor and Commonalty: But they have ever fince chosen and admitted other Freemen into the Corporation, who have always voted in Election of Members of Parliament. Since the Revolution, some Persons have endeavoured to Chuse Burgesses to Parliament by this Select Number of

2.1 and would shut out all the other Freemen; and by this way of Chusing, the prefent Members are pretended to be Elected and Returned.

Which is contrary to all the Antient Ufage, for the Elections have alwaysbeen by the Freemen as well as by the felect Number of the Corporation: And this will be fully proved by living Witnesses, by Antient and Modern

Returns, and by the Town-Books.

But if the Select Number were the true Electors, the Petitioners (and not the Sitting Members) were duly Elected, for the Petitioners have the Majority of the true Select Number, who are the Rightful Members of the Corfor the Petitioners.

In the Year 1693, there being fome Vacancies in the Portmen and Chief Burgesless, those were filled up with Men that were not liked by one Thomas Hastings, who has long pretended to the Government of the Town (and under whose Interest the prefent sitting Members are Chosen) upon which the said Hastings and his Accomplices broke open the Town-Chest, and took away the Charters, and all the Town-Books and Evidence.

And at Michaelmas 1692, they set up by themselves, and Thomas Hastings pretended to be Chosen Mayor, and he Chose his Brother Hospings Justice, tho at the same time Thomas Palmer was duly Chosen Mayor by the true Electors, and Richard Gooding, the former Mayor, was Justice; And afterwards the said Hastings (to terrifie and affright the Legal Officers from Acting) procur'd an Information to be brought against Palmer, the right Mayor, and against Richard Gooding, the Mayor of the Year before, and against divers others, for Holding Courts, and Filling up those Vacancies, and Acting in the Corporation, and to load them with infinite Charge, they procured the then Attorney-General to infift on the King's Prerogative to try this Information at the Bar, and accordingly it was Try'd at the King's Bench Bar in Trinity Term 1694. and the Defts justified themselves upon the Tryal to be Legal Officers, and that the Court they kept to fill up the Vacancies was Legal; and were found not Guilty. 2001. Which cost the Defendants in the Information

Afterwards an Action was brought against Joseph Hastings, the pretended Justice, for Imprisonning one Marriot, on purpose to bring the Legality of Thomas Hastings's Pretence of being Mayor in Question; and that was Try'd before the Lord Chief Justice Holt in 1694. And upon the Tryal the sole Question was, Whether Thomas Palmer or Thomas Hastings was Rightful Mayor, and the Verdict went for the Plaintist in that Action, That Palmer was

Rightful Mayor.

And at the same time an Information was Try'd against Thomas and Joseph Hastings, for breaking open the Town-Hall and Chest, and taking away the Charters, &c. and they pretended to justifie upon the Tryal, because Thomas Hastings was Mayor, and Joseph Hastings was Justice; and upon full Evidence they were Convicted; and then the Court of King's Bench was moved to make them deliver the Charter's Books, Mace, and other Enfigus of Government, before they set their Fine, which the Court declared they should do; but, to prevent this, the then Attorney-General enter'd a Noli Prosequi.

And notwithstanding these three Verdicts against the Legality of their pretended Officers, they have ever since pretended to call Courts, and Chuse Officers, and kept up a separate Sett of Officers in the Corporation; and by this illegal Sett of Officers are the present sitting Members Chosen and Returned, they having a Power with the Sherists, and having got the Precept into their pretended Mayor's Hands, who broke open the Town-Hall, and there preteinded to make this Election. But the Petitioners appeard, and had a Majority of the Rightful Members, even of the select Number as well as of the Freemen, so that either way the Petitioners are in the right,

OKFORD in Surfoor



## Answers to the Objections

## AGAINST

# General INSURANCE

HAT the Sum proposed is not likely to be raised, because there are not so many Houses, as to Number and Value, as is presum'd. ObjeKin 1.

That it's impossible to be exactly certain, but the Proposers have taken the best Care they could to be truly and rightly insormand, and have carefully perus'd the best publick Accompts and Writers; especially Sir William Petter, whose Calculation will fully answer this Proposal; and we hope it can't be deny'd, but that the Proposal is very easy, and can't fail to raise very great Sum. Answer.

That take it for granted, as to the Number and Value of the Houses, that it be true; yet there are so many already Infured, by private Insurances, as amounts to one fifth part of the Houses within the Bills of Mortality; and so, by consequence, will very much lessen the Sum proposed. Objection.

That by an exact Computation of Houses, and taking the several Numbers of House from the four Insurance Offices, not one fifth part of the Houses within the Bills of Mortality are Insured, and not one House in the whole Nation besides; so that this Objection can but selfen the Sum one fiftieth part, provided all the Houses already Insured be self cut. But, with humble Submission, the Parliament is not concernate take notice of private Agreements, where it stands in Computation with the publick Good. Let them wear out their Pollicies, which are generally but for a little time, and it will be no snjury to those that have insured by private Pollicies, to Insure again with the publick; for that, in case of Fire, they have two Hands to go to, and receive a double Recompence, and enhance the Value of their Houses: And besides, Houses Insured were never excused upon that account in any Tax whatsoever.

That if the Insurance be above the Value of their Houses, some People may burn their Houses, to make an Advantage Objeffin 3. That the Goods in Houses are generally of greater Value than the Advantage can be gain'd by Burning their Houses; and if the Goods are removed before hand, it will be an Argument of the Party's Design; besides, it's presum'd, that no Person will fet his House on Fire, it being Felony.

That if compulfatory unreasonable, if voluntary, it will raise nothing. ObjeRion 4.

If advantageous reasonably compulsatory, for since the People must pay so much upon some Tax or other, it's not unreasonable to compel them to pay upon succount, as is most easy and advantageous to the Payer, as this certainly seems to be, he receiving a Recompence for what he pays.

As to the voluntary, the very Nature of the People is such, that, as Children, they will neither go to School or take Physick, tho, the greatest Good or Evil depend upon it, unless compelled. Thousands the tributances their Approbation of the Rationality of this Proposal, by their own Acts and Subscriptions, to private Insurances.

which in the Land Tax pay at least equally with Land, should now pay Two That it feems to be very hard upon Houfes, whe Shillings in the Pound more, immediate Payment. Objection 5.

That it does indeed ease the Land, yet not prejudice the Houses, is manifest, for that, as a yearly Estate, they pay equally with Land; yet in this Case they pay in a diffinct Capacity, and have an immediate Consideration, being advanced to a proportionable Value and Recompence in future, in case of Fire. That seeming Hardship will disappear when they shall consider, that by how much the greater is the present Payment, by so much the less is the Annual Payment; and that in the whole this publik Insurance is not only upon better Security, but is cheaper and easier to the Insurer, as being Annually,

and not at once pay'd.

That it's no more than turning private into publick Infurance, and making that a publick Benefit which was before funk into private Interest, and by way of Retaliation for the present Ease of Land, the Land is ready in Aid of Houses, in case of great Conflagrations, which the Fund cannot answer. The Hardship will quite vanish when the Owner shall consider, that the Land Tax (unless very great indeed) will not excuse them from paying as much as is hereby proposed upon some other Tax; and then the Question will be, whether it were not better to pay it upon this, where there is a certain Prospect of a future Recompence, in case of Fire, than to pay half the Sum upon any other account whatsoever, where there can be no Hope or Probability of any Return, upon any account whatsoever.

hand a series of the cost of t And the first of the following for the first of the following following for the first of the following Condition of the Condit Sound Street Juan Jahren Barri, immediate Permit.

Answers to the Objections

Againft

A. General Infuration

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## An Answer to the Paper, entituled, The Case of the Proprietors and Refiners of Rock-Salt.

HE faid Paper complains, That if the Claufe (hall paß for prohibiting the refining of Rock-Salt, at any Place bur near the Rock-Fits, all the Refinerys of Rock Salt will be deftroy.d.

To which it is andwered, That if the Rock-Salt final be permitted to go from the Pits, not only all the Mears of Salt from Brine, and the Makers of Salt from Sea-water will be ruined, but the Duy upon Salt, which is to pay the Intereft of three Millions of Money lent to the Government, will be loft all on Salt, which is to pay the Intereft of three Millions of Money lent to the Government, will be loft may that be allowed to the Rock-Salt, are fixed and many that it is not possible; for the Weight and various Drawbacks allowed to the Rock-Salt, and pays 3. 4.4. at the Weight and various Drawbacks allowed to the Rock-Salt, and pays 3. 4.4. at the Weight and way other way than by the method preferribed in the Bill. For inflance, 75. of Rock-Salt is reckord a Bulhel, and pays 3. 4.4. at the Fit; 5.6. only is allowed to Bulhel of Brine-Salt, and pays 3. 4.4. at the Weight and ware a shall be been actually done at the Excite Office in London, will produce its own weight in white Salt, 5 that the Rock-Refiner has in weight 19. A more for 3. 4.4. than the Brine-Salt-Maker hath, and he accordingly leafly its and its intell in preserve without refining, and by doing 6 he reimburdes himfeld one third of the Duy paid at the Pits, and its untell in great for the Officer, and as the Ack direcks, in his Preference weights our 2 ballels, more or less, at 74. to the Bulhel, and purs it into large Celterns of Water for melting the farm; and the Officer allows him a Drawback for it. But it requiring a very long time (viz.) 2 or 3 days to be difflowed when the Officer is 10 west him 2 Drawback folder, one half of the faid Rock is raken out of the Revenue, and detriment to the fair fail what defined is and her Bill doss inflictently provide againft the Chears that have been too much pracklied therein, to the lold of (viz.) That the Birne salt well a

Debunds in the fact of paper fluggeds further, that if the Rock Salt is limited only to the Pis it will be unprofitable to Reine it, which is also not true; for the Rock is Refined by making a Brine from it, and by letting Water fluy in the Pit, it with poster the fluggeds flugged by which wild, be had per by the brought up by a final I about of plumping and live the Charge of digging the Rock and winding the. And monotone, even according to the Affection laid down in the faile Paper, sold the Rock Salt fells detere by Six pence per Bulbel than Nowelly Salt, whereas Salt made from Brine is never fold for more than \$i. 4. Per Bulbel at the Works.

The Paper also alledges, That if the Rock Salt is limited only to the Pits, the Brine Propierors will be the only Mannifektures of Salt, and will then have it in their Proper to fit what Rases the plate hereon, which is totally imposfible. For in the falt place, the Rock Salt is limited only to the Proper of them have done) and even they will afford ditup hemy of Salt as would shoply more them half the Kingdom. But in the next place, there are now fo very many Brine-Pits in Cogline. In Suffordbrive, and in Worselerplane, beflass the very many Salt. And of the Flage goes on in commendation of this Salt made from Rock Salt, above all other Salt what. Gover, but it will appear that the Sharis his lown byes, are meet Geefe in others.

For the Brine being impregrated with the molf acute sline plaining the roof of the place of the Salt what he whole have had been been shared that the Sharis his link own byes, are meet Geefe in others.

For the Brine being impregrated with the molf acute sline plaining the roof the Salt what the Salt what the Sharis his own byes, are meet Geefe in others.

For the Brine being impregrated with the molf acute sline plaining the plain the slink of the Rock being taken up, and therefore the Author is very much on the Rock slink of Salt was all the sold and Bittern contained therein being a malf to be very little skilled in the true nature of Salt



An Answer to the Paper Entituled, The Case of the Proprietors and Refiners of Rock-Salt.



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is as to Decrees and Sentences in the Ecclefiaftica.

Man may have an immediate Appeal; and un int that made the Decree or Sentence complain serefore I humbly conceive there should be an in the Courts of Equity as to Equity, as there is followed. ity as to Equiricor and Al with Cofts of Suit, seps things in fo go rely meet with a Ju effect; And turarliament from the Cour.
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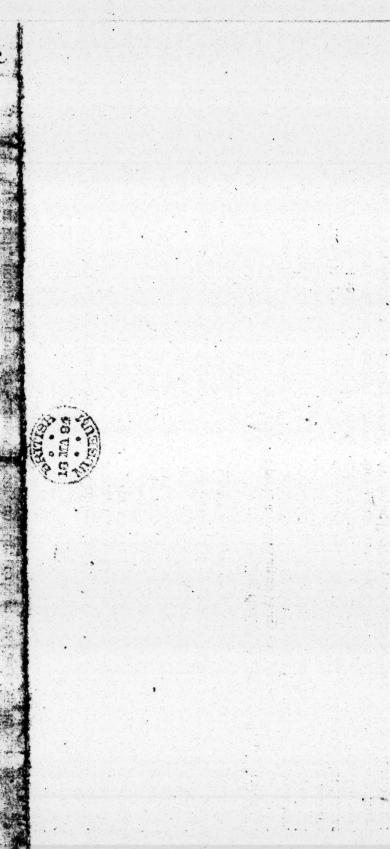
PROPOSALS to Encreage SEAMEN for the Service and Defence of ENGLAND.

The part puritemble Traint That the 20th White Intends, when they did not require the part of the control of th

Neverthel fis, humbly Submitting to better Indements.

Note, That Natwichstanding, in the fore-going Proposil, the Calculation is made for the Colliers, to carry after the rate of One Leadann for every Scare chaldren of Coals, yet upon brather it will appear. That they need not carry above One Landman for every Two Scare chaldren, for the Receding up of but 1500 Meas every fan Months.

Depposal for Increase



PROPOSALS Humbly Offered to the Honourable the House of Commons, for Raifing Money to pay off all Arrears of the Army, and all other Debts, in Three Months, without any Land-Tax, or Oppression to any body.

IS Humbly Proposed, that all Places and Offices in England, Ireland, and in the Dominion of the King of England, in America, or elfewhere, that are in the Gift of the Crown, or are in the disposal of any Place or Office that is in the Gift of the Crown, and receives Sallary or Profit from thence, amounting to the Summ of an 200 Pounds per Ann. Shall be Sold for two Lives, at Five Years purchase, except all Spiritual Preferments; and all Judges, if the Parliament shall

II. That those Officers that are to serve in the Fleet or Army, shall have liberty to buy their Places at Three Years Purchase, and to dispose of them again (with the King's consent) at the same Rate as bought; their Arrears to be taken as ready Money: And if an Officer buys his Place, and has no Son or Heir fit for that Place, he may put in any other Life; and when he grows Old, and unfit for Service himself, he shall have the liberty to sell to any Person, the King shall approve of; or if he dies before having done so, he shall have the power (if the other Life he put in be in being) to dispose either of the Place, or the Money, which his Successor

shall be obliged to pay to his Executors. III. That those Persons who have any Office for Life, as the Six Clerks, Clerks of the Assize, and several others; shall have an Affignment for a Life after their own, at two years and an halfs Purchase; but if they shall neglect, or refuse to pay the same, in such a limited time, the King shall have power to grant the said Assignment to any Person who will pay the said Money.

## The Objections that may be brought against these Proposals are,

Hat the King would lose one part of his Prerogative, Viz. The Disposal of these Offices, seeing they are to be Sold to any

body that will purchase them.

To which I Answer; that these Proposals will enlarge the King's Prerogative; for the King will have the same Power of disposing of all Offices as before; and the same Power of putting any Person out of his Place, whom he thinks not qualified to Execute it, or has any exception against his Person, and bestowing it upon whomsoever he pleases; provided the Person that's put out, be re-pay'd his Money, by him that is to succeed him, before he shall be oblig'd to resign his Place: And the King will be better served, in having all Offices Executed with the greatest Care and Fidelity; for the Care of any Man will naturally bear a proportion to the value of the thing cared for, or the interest he has in it. Now the interest of all Persons in Offices will be greater than formerly, and consequently their care to preserve them will be so too; for the livelyhood, not only of the Officer himself, and his Family, but the future being of his Son too, will depend upon his due Execution of his Office; for if any Officer shall be legally Convicted in any of His Majesty's Courts, of any Male-Administration, he shall absolutely forfeit his Interest to the King, without any consideration of the Money he paid.

It's very well known, the King of France never fails of raising a considerable Summ by this Method; and every body, I believe, will allow, that no Prince is better served; nor can there be braver Troops than those, whose Officers buy their Places; as plainly

appears by those of France, and Freizland.

But the greatest advantage the King will have by these Proposals, will be the augmentation of his Revenue; for the' the Money that shall at present be raised, by putting Lives into all Offices, will be intirely appropriated to the publick good, yet when any of these Lives fall, the profit that will arise from thence, will be wholly Converted to the King's Use; which may in time, make a confiderable part of the Revenue of the Crown.

The Second Objection will be, that, Those Officers, who have the disposal of other Inferiour Places, (as the Master of the Rolls,

Judges, &c.) will lose the Gift of the said Places, that are in their disposal.

To which I answer, That 'twill not be a certain Injury to any particular person, for the Death of any of the Six Clerks, or Clerks of the Affize, is a very great Contingency, and they deserve but little Consideration, who will not facrifice a Private Interest, so contingent and uncertain, for the Publick Good: Besides the Nomination to all the said places, may continue in the same Persons as formerly, provided the Money they are valued at, be paid in to the Publick Use.

Obj. 3. The Third Objection may be, That those who are in Possession of Places, may be unwilling to lay down so much Money, and 'twill

be an Injustice to turn them out, without any other reason. Anjw.

To which I answer, That there is hardly any body who will not, with great willingness, pay Five Years Purchase, to be secure of his Place for His own and His Sons Life; or if His Heir is not qualified to succeed him, he is sure his Money shall be repaid him again. It is but lending Money upon good Security, with better Interest than usual, which he that succeeds him (except the Lives he puts in fall) must pay him; so that, I believe, there will be no occasion to use any Severity in turning any body out of their Place.

The Fourth Objection may be, That, he that buys a Place, has not always a Son fit to succeed him, tho' he may be capable of it

Obj. 4. himfelf.

Anfw.

Anfw.

To which I answer, That any Man has an opportunity to qualifie which Son or Friend he pleases, or if he is not qualified, he is secure of so much Money, or if he dies, and leaves a Son under Age, the Son may act by a Deputy, with the consent of the King.

The Fifth Objection may be, That some persons who are in Places, by reason of the smallness of their Fortunes, are not capable of

ving down a fum of Money. Anfw.

To which I answer, The Parliament may grant, That those whose Circumstances will not allow them to lay down so much ready Money, may give their Bond, which may pals till such a limitted time, by which one may reasonably suppose the Money may be raised out of the said Office, and the usual Interest shall be paid in the mean time, and the Office may be made a Collateral Security for the

Money.

There is no body but will reap confiderable Advantages by these Proposals; the King will very much increase his Revenue, and his Officers, when their Interest is so considerable in their places, will be afraid to hazard the forfeiting them, by any such illegal practices, as have lately been discovered in the Embequer, so much to the Kings prejudice: All Men of Estates, will have the advantage of easing their Land of the almost insupportable burthen of Four Shillngs in the Pound And all Persons that are in Offices, will have the advantage of securing them for their own Life, and another, at a very case Rate, so that they need not make so much haste to grow rich, as some have lately done, now they depend upon Pleasure. This will be also a confiderable advantage in raising Money this way, that whereas no other Tax is raised in less than a year, and some in a much longer time, and therefore the King who has an absolute neceffity for ready Money (especially now, to Disband the Army, the Debt to it daily increasing considerably) is forced to allow so great Interest for it, that a good part of the said Taxes are swallowed up by it, (which is the cause of the constant Desiciencies) but this will be all paid into the Exchanger in Three Months time; and the charge of Collecting it will be inconsiderable, for it may be paid directly into the Exchanger, for all people that are concerned will come voluntarily in, to take care of their own interests. Nor can there be any Desiciency by a salfe Calculation, for if this Honourable House pleases to order a List of all the faid Offices, with their Salaries and Perquisites to be said before you, it may then be emissly computed what they will raise, which cann't amount to less than between Rice and Sie Millione. Five and Six Millions.

The state of the s The Objections that my by brought against these Pro

A CALL TO THE PRINTED PROTECTION OF THE PROPERTY OF THE PROPER

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CONSIDERATIONS Humbly Offered to the

Honourable the Knights, Citizens, and Burgesses in Parliament assembled, shewing the Necessity and Benefit of an Act of Parliament, to Incorporate a certain select Number of Persons, for the more Beautiful and Useful Paving and Cleansing the Streets in the Cities of London and West-minster, and Suburbs and Liberties thereof, and Out-Parishes in the County of Middlesex, and in the Borough of Southwark, and other Places within the Weekly Bills of Mortality.

Thath been a Matter of Wonder to all Travellers that have reforted to the City of London, to observe the vast Riches, and beautiful Structures therein, and yet that the Streets thereof should lie deformedly Paved, and unwholsomly Dirty; which being duly remedied, must needs tend much to the Heathfulness as well as Beauty of the City, of which likewise the whole Kingdom seem sensible, by the several Acts of Parliament from time to time made, for the Paving and Cleansing the said Streets, none of which have hitherto had the desired Effect; for that the said Acts do only instict Penalties where there is a Defect, but have not provided Means to make it the particular Business and Interest of any Persons to have it effected, neither can the same ever be brought to any persection, but by a General Undertaking, which all the Cities in Europe, that are samous for their beautiful Pavements and Cleanness, have by Experience sound, and that for these Reasons:

1. The Quantity that is to be Paved and Cleansed is so large, that to have it done and kept as it ought,

requires a very great Sum to be raised and appropriated to that only use.

II. If every one Pave only before his own Door, there never can be a true Level, or regular Current obferved, each one Paving at several times, according to his private Interest or Fancy, higher or lower, to accommodate some Threshold, Cellar-door, Cross-kennel, or some irregular Ascent or Fall, he hath no mind to alter, without any regard to the Publick: So that it is by this means impossible for a Common Line to be observed, or that there should be any raising or abating, turning, or any ways altering a Current, though never so needful.

III. Many when they Pave, have so little time in their Houses, that they purposely do it slightly to last their own time only, and some out of Covetousness, will either not Pave at all, or so very little, that the Streets are

nothing the better.

IV. Where the Paviours are allowed a sufficient Price to do their Work well, yet notwithstanding they either put in such bad Stuff, or work it so slightly that it soon lieth rough and disorderly again, it being their Interest to have the Work rather often doing, than well done, and therefore impoly unskilful Persons, who will work at the cheapest Rate. And also by raising every new Pavement higher than their Neighbors, as is their constant Practice, the adjoyning Pavements are quickly spoiled. Whereas, if it be done by a Society, that are to continue the doing thereof, it will be their Business and Interest to imploy the most skilful and experienced Persons, and to form and keep each Street with a persect and regular Level and Current, and to have the Stones of a true size, and of the most lasting sort; and likewise, that they shall be laid in such Stuff, in which they will longest abide firm; by which means it is only possible to have the Streets lie even, and handsomly paved, and by this means they may be swept clean, and kept neat; but otherwise it is impossible they should.

"Lis likewise absolutely necessary, that the Sweeping the said Streets be performed at the Charge and Care of the Undertakers, for otherwise it will continue as now it is, that scarce any Three of the Inhabitants will sweep before their Door at the same time, and some will not be got to sweep before the Dirt-Carts be gone,

whereby the whole Street will immediately be made dirty again.

One Shilling a Yard Square, for new Laying in all such places as are already paved; and for all such places as have not been paved, the same being at the Charge of the Parish first Cleansed, and Gravelled sit for Pavement, the Sum of 4 s. 6 d. for every Yard Square, that shall be paved with Scapel-stone; and 1 s. 4 d. for every Yard Square that shall be paved with common Pavement, each Inhabitant being to pay proportionable to his respective Part or Share, as soon as his said Part or Share shall be sinished: And the Undertakers are from time to time, at all times afterwards, to be at the Charge of Sweeping the said Pavement, and Gathering the Dirt in the Street into Heaps, ready for the Scavenger to carry away, and to keep the said Pavement in good and sufficient Repair, and well and duly Swept, at Four Pence Half-penny a Yard Square, which is cheaper by far than it now stands the Inhabitants in, though in this rude and slovenly sassing, and though they themselves are at the Charge and Trouble of Sweeping the same. And by this means the Inhabitants will be freed from Indicaments and Penalties they are now troubled with. This way will likewise prevent the many Disputes that will arise stom the Inequality of Parish Rates.

And the Undertakers are to be obliged at their own Costs and Charges, to carry away the Dirt, Dust, Ashes, and Filth of the Houses, Streets, Lanes, and Alleys, and at all times during the said Term, to keep clean the

faid Streets, and to do whatever relates to the Scavenger, at the Price is now paid for the same.

In case there be any desect either in the Paving or Cleaning, if the same be not by the Undertakers immediately resormed, upon Notice, they are willing to be subject to such Fine as shall be adjudged reasonable; and besides the usual Remedy of Distress for the same, are willing that the Payments from the several Wards or Parishes, be stopped, till the respective Fines be paid.

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## 5-6

## MEMORIAL

Humbly Offered in behalf of the

## Old English of Ireland.

Praying to be Govern'd by the Parliament of ENGLAND.

Maxim, by woful experimental Knowledge (frequently) confirmed, that let what Government for ever be established in England, the old English of Meland never had better Treatment, than an invasion of their Properties, a Confiscation of Estates, and a Desolution of their Rights; neither must the new English much longer expect to be better used; for as their Minority hitherto protected them, riper years will shew them, that as one Peg drives out another, so always a newer fort of English will drive out their elder Brethren, until that Kingdom, through the general discontent of all Parties (tis to be feared) becomes a Prey to Foreigners.

If the Grounds of the last Wars in Ireland be but rightly

If the Grounds of the last Wars in Ireland be but rightly considered, it is humbly supposed that the old English and Irish, who are one People, have not been so culpable, but some room may be found to excise their Crimes from being interpreted unpardonable, they have not broke through any ancient Law, Statute, or Record, but had all the fundamental Laws in force then, in both Kingdoms (when they received Commissions, and took up Arms, as well in their Justification, as likewise in the defence of their own Civil, and Religious Rights, then threat ned by a foreign Invasion) to fortilie, back, second, and guide them through that War; these things seriously weighed, and impartially considered, may give all unbiass'd Persons just cause to say, that it would be imparalell'd hardship, to take away the Subjects Lives, Liberties, and Estates, for acting in their own defence, and for making the Laws of their Country their Guide.

Now admitting it was a Fault in the old English to adhere ento, and to be guided by the Laws of this Hereditary Monarchy, according to its ancient Constitution, and that the old English have been since made sensible of their Errors, and since again upon their Submissions acknowledged King William, and the late Queen Mary for their lawful King, and Queen, and that King William, and Queen Mary received them into Subjection, and Protection, and staked down their Publick Faith as Pledges and Securities (of the highest Sanctimony) as well for to protect, as also to preserve them in the peaceable Possion and Enjoyment of their Lives, Liberties, and Properties, in as full, and in as ample a manner as they were protected, and preserved, in their Liberties, and Privileges, in the Reign of King Charles the Second. These were certainly the Terms, and Conditions, granted by King William, and Queen Mary, and upon which the People submitted, who have not from that day, to this, acted otherwise, than as became faithful Subjects (in Allegiance to King William) and if any be found among them that gave any cause of offence, let him be proceeded against by the same Law he so offended; and how far it may seem fit to the Parliament of England to keep Publick Faith with such People, is most humbly submitted to higher, and better Consideration.

It feems there is a Clause in the Bill for Resumption of Sing a Irish Forfeitures, which imports, that all Persons, more not proceeded against hitherto, shall be prosecuted by lay

to Outlawries; and Attainders, excepting those adjudged within Articles. This is an odd diffinction, that the same Publick Faith given to the Protectees, for their Security, and Protection, shall be violated; and, of the other hand, the same shall be performed to the Article-men. Now, with Submission, it should seem that the Protectees are preferable to King William, and Queen Mary's Publick Faith, before the Article-men, (not to have the latter excluded by any means) for the Protectees had so much confidence in the great Security, and Pledges, tendered unto, and by them accepted of, that they have immediately submitted themselves to King William, and Queen Mary, and where so many thousand Families, without force, or compulsion, have yielded, and never deviated, nor varied since from the Allegiance they contracted upon themselves, by their said Submissions, I humbly say, and offer, that Common Justice in those Cases, together with the Laws of Nations, requires Publish Faith to be been performed and in every part main lick Faith to be kept, performed, and in every part main-tain'd with fuch a People; and the obligation of performance is so much the greater, because they have not put King William to the Charges of their Reduction, but freely submitted themselves to the Power, and Authority then, and now established: Whereas the Article-men contracted abundance of Expences by their prolonging the War, and holding out against England; and that the same Faith broke with the former, shall be maintained to fame Faith broke with the former, shall be maintained to the latter, is, but in a manner, excusing the one, and condening the other, when at the same time, they have both equal Right to Publick Faith. It is very observable that it was upon such a pernicious distinction, the Crown of Spain lost the Netberlands; For Alexander Farnesse, Duke of Farma, during his Government of the Low Countries, kept his Faith very inviolable with the Inhabitants, and the Subjects likewise in due obedience to the Crown. But when the imperious Duke of Alva enter'd that Government, he made large Protestations to the People in behalf of his Master: But when he thought himself vested of all the Power, he broke all his Promises, and would not perform a tittle, but what should be produced in Writing under his Hand and Seal But here obeserve, that upon his non-performance of Publick Faith But here obferve, that upon his non-performance of Publick Faith the People of the Netberlands all revolted, shaked off their Subjection to Spain, and fince grew from a much more despicable, and contemptible Subjects, than the old English, and Irish are at this juncture of their greatest Tribulation, until the former became a Free People, and are at this time well known to be the most potent Republick in the Universe, and Spain but a drooping Monarchy: Whereas if Faith

had been kept with them formerly, tis believ d they would be as great Slaves to Spain, until this day, as the old Englishare to the Irish Parliament, at this time.

That Clause in the Bill of Refumption, which directs the Protectees to be proceeded against, as spoke of before, carries so much destruction along with it, that its as killing as the War it self was, because nothing can be termed more destructive, than to revive old Rancour, and Malice, by laying open those old Wounds healed up, after so long

a time

a time, which is refreshing, and bringing upon a Publick Stage the former Animolities, which would much better fuit the optimacy of any Government to bury fuch Cruelties in oblivion, than to revive em de novo, and to go about to ravish from a ruined People, (who have rescued themselves, their Wives, Children, and Families, with the remainder of their broken Fortunes, out of the Afhes, and Embers of War, and Rapine) the Fruits of their eight or nine years labour, and industry, and all that time in the peaceable Protection of King William, who thereby proposed to protract to themselves a poor contemptible Livelihood to support Nature; whereof, if the faid Clause be not altered, they must be deprived, and drove to all manner of Exigencies. The Chause in the Bill spoke of, will not only exclude thousands unheard, but it will affect the little Children sleeping in the Loins of their Ancestors, and cause the little Babes (scarce a span long) crawling in their Mothers Bellies, by their Out-cries, in the inarticulate Language of Nature to wish themselves born Abborts, rather than live to succeed their Parents to be eternized to Bondage, and Slavery, which they must certainly expect, if the said Clause be neither mollified, mitigated, or totally abolished; for it involves the Lord, the Lady, the Gentleman, the Gentlewoman, the Widow, the Orphan, as well as the Lame, the Blind, the Distracted, and the Super-annuated, with the poor Labourer too, without any distinction, or exception, but all mingled together, in one calamitous Common Ruine.

And as the Offences imputed to the distressed old English and Irish proceeded from the Impulse of Self-preservation (an indelible Character wrote, and imprinted in every Man's mind by the very hand of Nature) rather than from Love to Rebellion, or Aversion to the English Government. So it is hoped therefore, that some Hero's are in both Houses of Parliament, that in so extensive a Calamity (like Original Sin cleaving through Generations) will find the way to stop the Current, by early applying of some wholesome Remedy, against so growing, and coming a Malady, whereby the renowned Memory of coming a Malady, whereby the renowned Memory of fuch Worthies may pass through the Alembick of Common Fame; and that, by their extending so generous a Sympathy towards the Relief of their Fellow-Subjects, (now under the greatest Duress, and who must inevitably be condemned to perpetual Bondage, if not early rescued from the Jaws of a living Mortality) they may acquire to themselves Glory, Honour, and Renown, by their shewing of Mercy, when it in their Power to destroy.

And as a Motive to induce the Parliament of England into a moderate Compliance, and to bury all former Dissentions in oblivion, and to re-unite the Divisions among us, so as we may all be upon one Basis. The old

among us, so as we may all be upon one Basis. English of Ireland have most insupportably suffered by the Preffixes of the Irish Parliament, and, at this time, covets nothing more (under God) than to cast off that Yoke, and, in imitation of their English Ancestors, submit to the Laws, Statutes, and Ordinances made, or to be made in England: And as both Kingdoms are go-Is was fo from the verned by oneMonarch, fo they may have

5th of Ed. 3 to the but one Parliament: And the old English to fignific their real Intentions, and that 10th of Hen. 7.

to signific their real intentions, and that they are in earnest, for the Honour and Interest of England, they are in earnest, for the Honour and Interest of England, they are protected, the more insolent they will grow, and so they are all ready at home, and abroad with hearts, and the better they will be enabled to execute their Dehands, to acknowledge, and submit unto the Authority of signs.

Now Quere, Whether the Peace, and Transmility of England, doth not require to smother the Ambition of so imperious a People, and to favour, and promote the old English, and make them the Balance to weigh down the new English, and the Irish Scots, as also to curb the insulting French, whose Insignes is insupportable, so as neither of the Three, now in Comunicion together, may be left capable to join any other Interest.

Of England: And as the new English are weary of being subjugated to the English Parliament, so the old English are resisted, in England, as mentioned before, as well for to rescue themselves, and their Posterities, from the Drudgery intail d upon them, by the new English Irish Parliament; as also, to shew by their future Practices, that they are imbibed with the Principles of their old English Ancestors, who never looked but one way, which was, to promote, and propugn, the Honour, and Grandeur of England alone, and to secure to themselves their Rights, and their Liberties, upon that only Foundation: All which is most Hombly Submitted to the Honourable the Commons of England in Parliament, unto whom the old English at home, and abroad, appeal for Equity, Compassion, Protestion, and Pardon. And the Author likewise, if he has any ways transgressed in the foregoing

appeal for Equity, Compassion, Protestion, and Pardon. And the Author likewise, if he has any ways transgressed in the foregoing Discourse, he most humbly submits, and begs the Commons of England Pardon, for his high Presumption.

the Parliament of England, in open defiance of all the new English in Ireland, who are not one in ten at home. or abroad, to the old English, and Irish, who are both one Body, and one People, and inseparably united in one entire Interest, and equally desirous to embrace the immediate Laws and Edicts of the English Parliament, in Ireland.

First, Let it be considered, that the old English, alone, are the primier Quality, the first Rank of Gentlemen, the greatest, and the most considerable Body, and there-

fore, the most to be valued in Ireland.

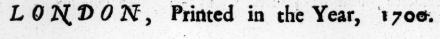
Secondly, that they are the Race of those English, and British Hero's, that first conquered that Kingdom, and ever finee kept it in Subjection to the Imperial Crown of England; and that in the last War when it was in their power to subject themselves to France, and

nothing more defired, nor coveted then by the French, than to have all the Forts, and

Vide French Fidelity to King James all Treachery.

ftrong Holds in Ireland put into their Power, having offered the old English to resettle them in all their Ancient Rights, in as ample, and full a manner, as they, or their Ancestors, were possessed of all such fince the Conquest to that time. But the old English (who tho' ill, and most barbarously used at home) having the English Blood of their old Ancestors running in their Veins, chose rather to be Slaves (as they are this day ) than accept of all the high Terms offered to become Subjects to France, and thereby be the Masters of their own Fortunes.

As for the new English, they are a new People that were planted in that Kingdom by Oliver Cromwel's Ufurpation, a People ever fince supported by the Parliaments of England in the Possessions of the old English, and the People likewise, that contended but some months since with the English Parliament for Privileges, and Superiority, and would have no more Mercy upon the Members thereof (if in their Power) at this time, than they have upon the old English, whom they seek by all unlawful means to extirpate Root and branch. In the first place, the new English are a People of so obscure Births, that the Heralds of England know them not: Secondly, all the Estates they hold in Ireland, they enjoy by the Favour, and Courtefie of the English Parliament: And, thirdly, the new largest transgress, by their joining with foreign interest, or new Grantees, composed of mercepary foreigners, and of immoral English Favourites, a-gainst the Interest of England, as appeared by their unanimous Consent given, for to compose, print, publish, and present to King William, Mr. Mollineur's Book, a Pamphlet stuffed with Romances, and Fables, in order (as it was peraiciously intended) to establish in Ireland the English Staple, advance the Irish Rents, lower the English ones, and, in sport, to make Ireland independent of England, and so ruine the English Trade: A Project never thought of from the Conquest of that Kingdom (by the old English) to the late Revolution, which is somewhat above five hundred years: And to see a People of about Forty five years standing to imperiously attempting the Invasion of old English Rights) when the same People can call nothing their own, but what may be legally taken from them, when the English Parliament shall think fit) implies, that the longer they are protected, the more insolent they will grow, and the better they will be enabled to execute their De-



## ABSTRACT

Of PROPOSALS lately Humbly Offered to the

## Honourable House of Commons,

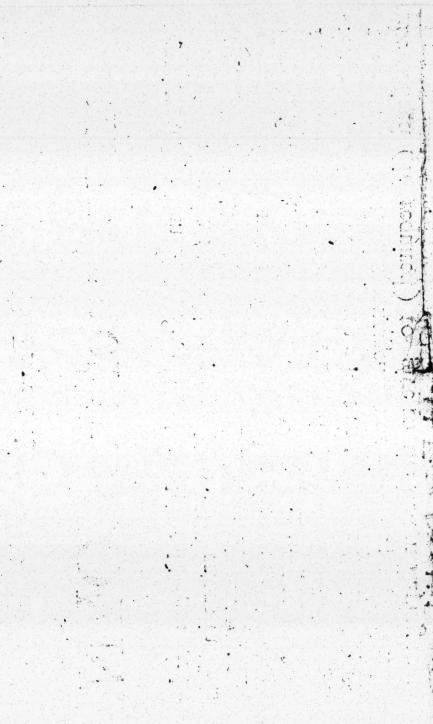
To Prevent the

## Corruption of the COYN.

HAT an Act be made under such Penalties as may be thought sit, which may oblige all Persons in His Majesties Revenues, all Bankers and Goldsmiths, (and not further, unless thought Convenient) to Cut in sunder any Piece of False Money that shall be tendred in Payment, whether Mixt or Plated, in presence of the Person Paying, and to keep such a part thereof as he shall think sit, as a Reward for the Encouragement of his Care; only that he be obliged (if required) to give to the Person Paying some part of cach Piece by him Care and if Good, the Receiver to allow for Every Cut Piece the Value as Coyn'd for, but if otherwise, to be his, as aforementioned, and such a time as may by this Honourable House be thought sit, for the Person Paying to prove such his Pieces, but after Expiration of that time, not to make any Pretences or Demands whatsoever.

As to the Prejudices we feel in Gold Coyns, and for the rectifying the Currency of Guineas, 'tis further humbly offered, That some Order be made, That all Light Guineas under such a Weight as shall seem convenient to this Honourable House, may be Cut in sunder, and return'd to the Payer, and some other way found to make the Loss easie to 'em, by appointing some Place where the Broken Gold may be readily chang'd, and the Value of it wen 'em in Silver: And when this Proposal shall be approved, and made a Law, 'tis hop'd it may be the Means of preventing the Running of False, and Preserving the Good Money from Diminution.

FOHN LEWIS.



### ABSTRACT

Of Propofals lately Humbly Offered to the

Hon. House of Commons,

To Prevent the

Corruption of the Coyn.

### A Sure and Effectual METHOD, for the Recovery of CREDIT, and making good the Deficiency of Parliamentary FUNDS:

### Humbly Proposed by a Merchant of LONDON.

Lost Credit is only to be Receivered by paying, or securing the Payment of those Debts in Arrear, that caused its Failure; and making more prompt and better Payments, for the future

better Payments, for the future?

Therefore, the Nationi Debts, by the faid Deficiencies, being effectually secured, a Firm Credit may be raised upon such Real Security; and by certain Conveniencies and Advantages annexed to it, made current amongst the People; and confequently, will serve to pay off the present Debt, and supply the farther Octations of the Government, as well as Money; as by the subjoying METHOD and REASONS will appear.

The said Robe being Ien Million; Funds that poring in 1200000 l. par Annum, settled by Parliament for Ien Years, would raise Invelve Millions.

That Tallies be truck for the said Summ of Twelve Millions; and the same Deposited in a certain. Office, under the Care

and the same Deposited in a certain. Office, under the Care and Custody of Commissioners, or Trustees, appointed by the King and Parliament.

That the Persons .Entituled to the said Tallies, either for Money Lent, Stores furnished, or Service done to the Government, have their Properties therein made good, by giving them respectively the exact Value in Credit; Either by Bills from Five L and upwards, or by Accompts in Books, to be kept in the said Offic, transferrable to any Persons, in any Summs or Proportions, at Demand.

That the Credit duly derived from the Tallies so deposited, be made a Legal Tander in all Payments of the King's Revenue, and at One are Court more than the King paye It at or It's taken

and at One per Come more than the King pays It at, or It's taken

for amongst others.

That the same Value in such Bills, or Accompts, and the Tallies correspondent thereto, shall be constantly cancelled and sunk from the King's Account and Credit, by the said Trustees accordingly, as the Income from the said Funds shall amount to Yearly.

The Summ whereof is thus? The Parliament settles a Real Security for paying Twelve Millions to the King; and that Security is made over in respective Proportions, to certain Persons the King owes In Millions to; with this Condition, that the same shall be taken again of Them, or Assignes, and at One per Cent more, in all his Revenue; and likewise, that 1200000 Pound, of such Security shall be cancelled and sunk every Year, on the King's Account, untill the said Debt to the King, and sheries with this Credit, be wholy sunk and disthe King, and therewith this Credit, be wholy funk and dif-

charged.

From whence the said Credit evidently appears as well adapted to be a Measure of the value of Comodities, as Money; and more commodious for transferring Properties, than Money; and hath its Value inviolably secured by Parliament, and the Advantage of One per Cent in all Payments of the King's Revenue, more than Gold or Silver; which therefore may reasonably be supposed sufficient to render this Credit, as Current, if not more coveted in all Payments, than Money: When considered that for a greater Ease and Dispatch only in Irade, a precarious Credit of the Bankers hath been very generally (till very lately) current and supported amongst us.

And, at this Time, in Places abroad, where Trade is most studied and improved, the Custom of Assigning Bills of Credit is in great Request and Practice; and by our own Merchants and greatest Traders, very much desired and sought after; as by their Petition, at this Time, to the Parliament, in that behalf, appears:

Notwithstanding in those Cases, the Security is but Personal and uncertain and without allowance: But here the Security is Real and unquestionable, and hath One per Cem allowed in all the King's Revenue.

And if Tallies, when but a dead Stock, and before Tally-jobbing was introduced, could (assis well known) by vertue of their Security, and for the sake of Interest only, raise or Exchange for Inticient Summer to serve the Government; furely, the tame Security, when improved and fitted to circulate in Trade; as well or better than Money, and in fome Cases, of more Value than It; and all Opportunities of Tallyjobbing are thereby removed, will more readily and advantageously be taken in Payments, for Service done, or Stores furnished the Government, where the Profit is commonly greater
than by Interest; and thereby Traders will be enabled to turn their Stocks a great deal oftener, and drive thuch greater Trades.

the many stops that will necessarily be made in the many Hands it must go through: As for Example:

This Credit readily pays the Souldiers; as it will ferve Them to pay the Im-Reepers, and Publick-Houses they Quar-ter at, and These to pay their Brewess and Merchants for Beer and Wine, Oc. and their Landlords for Rent; who will Receive this Credit, that will pay the King, Excise, Custom, and Taxes, better for them, than Money: And these Persons either furnishing, or being ultimately Paid for most Commodities; the People will generally be induced not only to take, but likewife keep this Gredit by them, rather than Money, for the greater Conveniencies in Receiving, and more Safety in keeping, and equal Benefit in Lending it, and at Interest too; especially to Merchants, and other Traders: And indeed, Experience shews, that what the King will take in all Payments, the People will likewise Receive from one another, and even for more than the Real-Value; as lately they did counterfeit, and very small Money by Tale, and now they do Receive Clipt Money by Weight, at Five shillings and Eight pence per Ounce; notwithstanding the Real Value exceeds not Five shillings and Ino pence, nor any Obligation on them to take it for more.

This Credit, thus perfectly circulating, will introduce a Plenty of Money, by ferving and carrying on those Trades, and Payments, that before took up the greatest Summs; and immediately bring this Credit to a Par, (at least) with Money; and, upon all Occasions, to be Exchanged as readily into It, as Guineas current to the King, at two pence a piece more than their common Value would be into Silver; especially if an Office were notified to give out this Credit in Exchange for Money; which in all probability, would be brought in for the gain of One per Cens, by Collectors of Taxes; and Persons that pay Custom and Excise in sufficient Summs; to enable the said Office as well as give Morey in Exchange for the said Credit to fice, as well to give Money in Exchange for the said Credit to accommodate Persons that want small Summs for Petty Payments, or any occasion of the King, that Money may be supposed or objected to be more convenient for; And all this, without any necessity of drawing out from Trade vast Stores and Summs of Cash, as the Bank and Bankers require, to circulate their Credit: Which Summs, if not too great to be now had or Expected, yet would be too prejudicial to be encouraged, as would disturb the more equal and convenient Distribution of Money amongst the People; and induce a miserable decay and languishing of Trade; especially, for the Growths and Manuscrittures of the Country, and Remoter Parts Growths and Manufactures of the Country, and Remoter Parts from London; which Mischiefs, the Proposed M E T H O D tends directly to redress, by supplying; and duly distributing Money and Credit into all Parts, for Increase of their Growths and Manufactures; which will then serve, by means of this Credit, to pay Taxes, and all Charges of the War without sending the Money out of the Country into the Exchecquer.

But, if Credit be thought of that absolute Necessity, as not to be adviseable to venture its Recovery upon Probabilities, tho the most likely imaginable to succeed; in such Case, this Credit (and perhaps This only) hath a Just and Equitable pre-tence to be made a Legal Tender in all Payments; Because it is of Equal and intrinsick Value with Mohey, as it serves to pay those Summs to the King, which otherwise must be paid in Mo-ney, and will never exist in greater Value, than there rests due, and in arrear to the King; and will immediately exempt, and thereafter excuse the Government from spaying of Interest, and supply its Occasions, with the greatest Gertainty, and the least Charge; Whereas the making any office fort of Credit a Legal Tender, either to the King, or amongst the People, would continue the Burthen of Interest, and expose the People to heavier Taxes, than needful; and be derogatory to the Honone Condition Bushington, Anjunious to the King, by giving to private Persons so Essential a partises the Previous type are to private Persons so Essential a part of the Prerogative, as Coming a New Species of Money; and prove too great a Temp-tation to Persons, that acting for their own private Interest, would be more likely to exceed their just limits, and less liable to be detected, and give too great Opportunities for Ingroffings and Monopoles in Trade; and therefore, this Credit, that purely is, and only can be derived from, and Authorized by the King and Panliament, ought surely to be Issued out by the Government, directly to the People, the better to engage and increase their Veneration and Assections to It, for so great Benefit and Advances. But the Honour, Reputation, and Advantage given this Credit, in all Payments of the King's Revenue, (which being Five Millions per Annum) may reasonably be thought to give a through Circulation to the Whole; considering the large Circuit it must take in its Counte to the Exchequer, and by mis-management, may impair or deprave it. 



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The State of the CASE of Denis Daly, and Edmund Malone, Esqrs, Barristers at Law, Comprised in the Articles lately made, on Surrender of the Town of Gallway in the Kingdom of Ireland.

HE Lawyers of Ireland, being by no Laws of England disabled, and by the Laws of the Kingdom of Ireland, allowed time out of mind, the liberty to exercise, their Callings of Barresters at Law takeing the Oath of Allegiance: It was notwithstanding for greater security under the Sanction of Publick Faith, expressly provided in the Articles lately made on surrender of the said Town of Gallway into His Majesties Hands, That the Roman Catholique Lawyers of the said Town shall have free Liberty of Practise, as they had in King Charles the Second's time in whose Reign, and allways before the said Lawyers had liberty to Profess and Practise the Laws of England in that Kingdom,

takeing only the Oath of Allegiance.

That at the time of passing an Act in the last Parliament of England, intitled, An Act for abrogateing the Oath of Supremacy in Ireland and appointing other Oaths, the said Articles of Gallway were missaid in the Secretaries Office; so as they could not be found to produce on the Conference held between the Lords and Commons touching some Exceptions and Amendments then to be made in the said Act before passing thereof, wherefore no Provision was therin made for the said Articles, by means whereof the Lawyers of Gallway were disabled from Exerciseing their Professions and Callings of Barresters at Law, unless they should first within a certain time limited by the said Act, repeat and subscribe the Test and Declaration thereby appointed, which no Roman Catholique can do, tho alwayes ready to take the Oath of Allegiance.

The Parliament not intending to deprive any Person of the benefit of Articles so Solemnly made, hath on produceing the Articles of Limerick on the said Conference exempted the Lawyers of Limerick from the said Disability, and they are therefore now admitted to the open Profession and Practise of the Law, in the said Kingdom of Ires

land, takeing onely the Oath of Allegiance to His Majesty.

The Articles of Gallway were soon after sound, and on application made were ratisfied under the Great Seal of England, pursuant to a Clause in the said Articles, and to an Order Conceiv'd by His Majesty in Council, Whereby His Majesty declares, That as to such Parts thereof, for which an Act of Parliament shall be found to be necessary, (as in the Petitioners Case) He will recommend the same to be made good by Parliament, and will give the Royal Assent to any Bill or Bills that shall be passed by both Houses of Parliament

for that purpose.

The King's Privy Council in Ireland having due regard to the said Articles, and to His Majesties said Declaration, inserted in the Letters Patents of Ratification, hath under the Great Seal of Ireland in the Year 1692, transmitted a Bill into England for His Majesties and His Privy Council of England's Approbation to enable the said Lawyers of Gallway, to Exercise their said Calling in Order to pass in Parliament in Ireland then in prospect of being speedily called; which Bill seeming to clash with the said Act of Parliament made in England, was therefore not approved, without surther prejudice to the Right of the persons thereby intended to be provided for, by application to the Parliament of England.

And in regard the said Bill sent out of Ireland was not approved for the reasons aforesaid, whereby the Griveance, cannot be redressed in the Parliament of Ireland: It is humbly hoped and prayed, that the Honourable the Commons of England in this present Parliament Assembled, will take off the said disability, from the Petitioners and provide for them in the Bill now come from the house of Peers, for altering part of the said Act, in relation to the absent Peers of Ireland, and their Proxyes, and will rectifie the mistake, and supply the said Omission by enableing the said Denis Daly and Edmund Malone, to use and exercise their Callings, according to the said Articles, taking only the Oath of Allegiance, and the rather that their distressed Case appears sufficiently recommended, by Publick Faith, his Majesties Royal Promise, and Declaration under the Great Seal of England, in manner aforesaid, and by the Advice of his Privy Council of both Kingdoms, to the comfort of the Petitioners, who together with their Families depend on their Callings for subsistance, without Succession or surrher benefit, thereby to any others that shall come hereafter.

A proviso to enable the Petitioners, cannot be forreign to this Bill now before the House, for its a Bill that alters in part the very Act, which first brought on their disability, it enables the Peers of Ireland residing in England, for Sickness, Publick Imployment, or other weighty Considerations to make their Proxies in the Parliament of Ireland, a matter omitted in the former Act, and may therefore Naturally, and most Justly enable the Petitioners to Exercise their said calling of Barristers as Law taking the Oath of Allegiance, being a matter omitted in the first Act, since no man can doubt the Parliament would have provided for the Petitioners in the said former Act, as well, as for the Lawyers of Limerick, had the Articles of Gallway been then produced; for which the Petitioners do Appeal to the memories of the worthy Members of the House, who managed the Conference with the Lords on passing the said former Act when the Articles of Limerick were produced, and their

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### To the Honourable the Knights, Citizens, and Burgesses, in PARLIAMENT Assembled.

The Humble Petition of Lemuel Mathews, Doctor of Divinity, Arch-Deacon and Chancellor of the Diocese of Down, and Prebendary of Carncastle in the Diocese of Connor in the Kingdom of Ireland:

#### SHEWETH,

HAT by Colour of a Regal Commission for Ecclesiastical Causes, William Lord Bishop of Derry, and Anthony late Lord Bishop of Meath, in the Year 1694. at Lisburn in Ireland, made several Pretended Definitive Sentences against your Petitioner, without any just Cause, (as he humbly conceives) and in an extraordinary Illegal Procedure; by which Sentences they Disseized your Petitioner of his Ecclesiastical Freeholds, Bereaved him of his whole Livelihood, and also Excommunicated him.

THAT the faid Commissioners did not Charge your Petitioner with any Disaffection to the Government, or with any Immorality, Enormity, or Offence, complained of and specified in the said Commission; which commission required them to proceed according to the Course of the Ecclesiastical Law, and did not expressly prohibit any Appeal to be made from them.

THAT your Petitioner duely Appealed from their said Sentences and whole Proceedings to His now Majesty and the late Queen, in their High Courts of Chancery in England and Ireland, as was usual so to appeal from Repal Commissioners for Ecclesiastical Causes in the King's Supream Court of Prerogative in Ireland, and prosecuted his Appeals, and also his Complaint of Nullities of the said Proceedings and Sentences, by his several Petitions to the Right Honourable the Lords High Chancellors and Keepers of the Great Seal, for a Legal Remedy and Common Right of a Commission of Delegates; but he could not obtain it.

THAT your Petitioner applied to the Temporal Judges in the King's Courts of Law in Ireland, for a Prohibition upon his Suggestions, therein setting forth the Illegality of the said Ecclesiastical Commission, and that the said Commissioners had not Jurisdiction of the Matters for which they Impleaded and Sentenced him, and that they exceeded the Limits and Tenor of the said Commission; in which Cases (as your Petitioner is advised) Prohibitions lay, even from the High Commissioners Ecclesiastical; but he could not prevail in those Courts for any Prohibition, or filing his said Suggestions.

THAT your Petitioner presented his most humble Petitions to His Majesty in His Royal Person for a Commission of Delegates, to Review the said Proceedings and Sentences, or to Hear the said Appeals and Complaint of Nullities; but His Majesty was not pleased to Grant these Petitions.

Now in as much as your Petitioner (notwithstanding his incessant Endeavours) could not obtain a Legal Tryal, or any ordinary Redress of the Grievances aforesaid, but lies unsufferably oppress in his Innocency, under Colour of the said Commission and Sentences, and must remain so Aggrieved, until the said Commission be declared to be void, or the said Sentences to be Nullities, or extinguished by the said Appeals, or be judicially reversed: And your Petitioner is advised. That no Bishop or Archbishop, as such, can intermediate with the said Proceedings or Sentences, and that the said Commissioners cannot retrain the same, especially since a Quorum of them is not living; and your Petitioner is also advised, that the said Commissioner (if no Appeal, Nullity, or Prohibition restrained the said Commissioners) was utterly void in Law, as being repugnant to the Common Right of the Subject, and is declared Illegal and Pernicious by a late Statute made in the First Tear of Their said Majesties Reign, amongst certain Articles in the Declaration, upon which they accepted the Crown of England and technol; That the said Statute being declaratory of the ancient Liberties and Rights of the Subjects, extendeth to Ireland; That otherwise such Commissioners might take away the Jurisdiction of all the Ordinaries in Ireland, and deprive the Bishops and all the Clergy, and excommunicate them, and also all the English there, without any Legal Process, or certain Cause; and keep them perpetually under their unjust Consures, without any ordinary Remedy; and likewise by their definitive conclusive Opinion may endanger the Superiority of England over the dependant and subordinate Kingdom of Ireland: and That, if the said Commission was lawfulthe said Lords Chancellors and Keepers by denying a Commission of Delegates; and the faid Judges in resulting a Probibition as asoresaid, have denyed your Petitioner the Remedies sue to him by Law and Common Right: He therefore most humbly prays Your Honours to grant unto him, in this his most Deplo

### CASE

Arch-Deacon Mathews.



The same ACRE MEN.

### The Warden of the Fleet's Case,

In Relation to

## Mr. Baldwin Leighton's Petition to the Honorable the House of COMMONS:

Wherein he Suggests the Forseiture of the Office of the FLEET to the King, and a Grant thereupon to himself.



HE Office of Warden of the FLEET hath been time out of mind the Subjects private Property, and an Inheritance independent of the Crown; and as such has been often fold for valuable Considerations, in like manner as other Estates.

THAT by an Act of Parliament, called, The Bill of Rights, in the first year of his now Majesties Reign, it is (amongst other the Liberties of the Subject) declared and enacted, That all Promises and Grants of Pines and Forseitures, before actual Conviction, should be void: to the intent that Prosecutions in nature of Maintenance might

not be encouraged, to the very great vexation and Grievance of the Subject, whose Freehold, under colour of such Grants and Promises, is rendred precarious.

THAT nevertheless the said Leighton hath considertly Petitioned this Honorable House, setting forth his Majesties Grant to him of the said Office, before such Conviction, and contrary to the Act or Bill of Rights aforesaid.

THAT the said Leighton successively for above ten years last, hath Prosecuted the Wardens of the Fleet, and put them to above 1000l. Expence, upon a former Inquisition, which was set aside by the Opinion of the Judges. And now Prosecutes a second Inquisition: and by vertue of the said pretence (as oft as the said Inquisitions are set aside) may take out new ones, and not one Farthing of Costs can be recover'd against him (tho always in the wrong) by reason he Prosecutes in his Majesties Name.

THAT by this last Inquisition (which is the Declaration in this Case) there are four Escapes alledged to have been voluntarily committed by Mr. Ford the now Warden of the Fleet; by reason whereof, the Inheritance of the said Office is insisted on to be Forseited to the Crown, and consequently to the said Mr. Leighton: Which Allegation of a voluntary Escape the Warden hath by his Plea denyed, and those Issues are to be tryed by a Middlesex Jury, Whether any of the sour Prisoners mentioned in the said last Inquisition did Escape voluntarily or not, by the said Mr. Fords consent. For a negligent or accidental Escape is admitted not to be a Forseiture.

THEREFORE the several Courts of Chancery, Common-Pleas and Exchequer, of necessity and for prevention of Insection, &c. in regard of the multitude of Prisoners, did make several adjacent Streets to the Prison-House of the Fleet, by Rule of Court, part of the very Prison; where the Warden is forced to keep several Prisoners which the House will not contain. In such a case, if any Prisoner have the liberty to Lodge within those Streets out of the Prison-House, and shall thereupon make his Escape from thence, it's no more a voluntary Escape by the Warden's consent than for a Prisoner to escape over the Walls of the Prison-House. Nay, 'tis so far from a voluntary Escape, that in the case in question, before the said four Prisoners had the liberty to Lodge in the Rules, the Warden did take Security, with sufficient Sureties, for each of their true Imprisonment, and Continuance within the Limits circumscribed by the said Courts, until they should be legally Discharged: Which is as far an Evidence as the nature of the thing is capable of, to prove, there was no Voluntary Escape consented to by the Warden: Aud in case any of them did or should Escape further than those Limits, their Security was and is thereupon liable. And in this case the Security of Sir Samuel Husbands (who is suggested to be gone be yond the Seas) hath Paid the Debt for which he was Committed; as appeared at the taking the Inquisition: which hath been owned by the Plaintiff to be a benefit more than if he had not escaped.

ANOTHER of the said four Prisoners hath Paid his own Debt in discharge of himself and his Security: And as to the other Two, they are now actually, and have been for above Nine Months, within the Walls of the said Prison: One of which had the Liberty of the Rules sirst of all by the Plaintiffs consent, and the other was Committed for lets than Ten Pounds; so that there is no Damage done to the King or his Subjects, and consequently no just Ground for this second Inquisition. But Mr. Leighton having occasion for the said Office, would have it imagined (tho he can give no Evidence of it) that notwithstanding such Security taken as aforesaid by the Warden, yet that there was some private Agreement that the aforesaid Prisoners should Escape.

BUT 'tis humbly Hoped, that Fancy and Suggestion shall not be taken for Real Evidence, for then no Man would be safe. In regard therefore that no Injury is done to any body, but rather a Benefit, by taking Security for True Imprisonment, time imme morial practised, and Allowed by Act of Parliament, and is necessary by reason of the Multitude of Prisoners that can't be kept in one House. It is humbly hoped, That this Honorable House will Dismiss Mr. Leighton's said Petition.

Note. The Evidence Mr. Leighton pretends to produce, that any of the said Four Prisoners have been out of the Rules of the said Prison, will appear to be Persons Stigmatized, either by being Burnt in the Hand or Fined for Misdemanours. And if it was true, yet that is no Evidence of a voluntary Escape.

### The Warden's Cafe

AGAINST

Mr. Leighton's PETITION.





The CASE of Thomas Plunkett of Portmarnock, and of Catharine his Wife, Humbly offer'd to the Consideration of the Honourable House of Commons.

SHEWETH,

THAT Luke Plunkett, late of Portmarnock, being Seized in Fee of the said Lands, made his Last Will and Testament in Writing, and thereby Devised his Estate to William his Eldest Son in Tail Male, the Remainder in Tail to the said Thomas, with other remainders over, and died in the Year 1682.

That William his Eldest Son was no way concern'd in the Irish Army during the late Troubles in Ireland, but died a Minor under Age, and without Issue; yet in the Croud, the said William Plunket, or some other by that Name and Sirname, was after his Death Outlawed for

High-Treason for want of Appearance.

That Thomas being in Remainder, after the said VVilliam's Death without Issue, got into Possession, and on his Intermarriage, in consideration of 500 l. Portion received with his said Wise, settled the said Estate, and did limit a Jointure to his said Wise out of the same; and at the time of his so doing, there was no Law in being to Préjudice, Blemish or Destroy his Title, as aforesaid, by virtue of the said Will.

That by the Act lately made in England, relating to Irish Forfeitures, all Remainders on Forfeited Estates Tail, are cut off, by means whereof the said Thomas's Remainder, which came in Possession long before the Passing of the said Act, and was settled as aforesaid, is cut off, tho his Brother's Attainder is Illegal and Erroneous; and tho there was no Law in being, nor any Apprehended, to take away the said Thomas's Estate and Title, nor to Discredit the same, when he settled it, as aforesaid.

The Premises tenderly Considered, he humbly Prays Relief.

The STATE of the

CASE

OF

Thomas Plunkett,

AND

Catharine bis VVife.

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# Transferring & Discounting Land Bills

Eventience hath long fince shown, That the use of Bills, or Notes of Credit, is absolutely necessary in great Commerce and Traffick; because it makes Payments of Mony easie, quick, and certain, by preventing the trouble and loss of Time in telling, it over, and damage from Light and Counterfeit-Mony.

And because great Loss have happen'd here in England, from the Insolvency of several Persons that have given out Bills or Notes of Credit; therefore great I boughts and Industry has of late Years been imploy'd, both by the Publick and Private Persons, in setling funds of Credit to prevent Loss; All which Attempts have hitherto prov'd unsuccessful.

And yet, upon due Consideration it plainly appears, that both Publick Funds and Private Mens Estates, without an Ast of Barslament, are very capable of being so Setled, as to make a certain Fund for Bills of Credit to passin payment as well as Ready-Mony. And therefore, the reason that such Attempts have not as yet prov'd successful, must be solely from the want of Knowledge and Skill in the Managing such Funds of Credit; by reason, perhaps, that some Persons who had great share in the contriving of the Settlements of such funds, had no part in the Management of them.

the high time for the confidentions, and leptically from that of the more than ordinary Occifion for Bills of Credit in the Management of Henry and Henry Henry and Henry Henry and Henry Henr

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the Office. And think bedieves plant colors of the Market by the Department of the Colors and the Colors of a color of the Market by the Colors of a color of the Market by the Colors of a color of the Market by the Colors of a color of the Market by the Colors of a color of the Market by the Colors of a color of the Market by the Colors of a color of the Market by the Colors of a color of the Market by the Colors of a color of the Market by the Colors of the Colors of the Colors of the Market by the M

# Answer to the The Rector of Whitechappel's Answer to the Case and Petition of the Hamlet of Wapping.

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Their Allega-tions of Num-ber of Inhabi-trants in the faid Parifh, of New Buildings, of Increase of Tythes.

Numtioning, that they may be made a diffinct Parith of St. Mary Whitechappel, Fetinahabian tioning, that they may be made a diffinct Parith, do fuggeff and alleadge the following things, viz. The great rnumber of Inhabitants in the faid Parith, fo that the Church is no way able to contain them, and also the great Increase of new Buildings wither in late years in the Upper Hamlet of Whitechappel; whereby, they pretend, the value of the faid Living is greatly increased to the Retor beyond what it was in former years, and that it is now worth 600 l. per Annum without Wapping.

Living is greatly increased to the Retor beyond what it was in former years, and that it is now worth 600 l. per Annum without Wapping.

Living is greatly increased to the Retor Beplies as followeth,

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Service of Religion, or the Conveniency of a greater Number to repair to Divine Worship, the said Hamlet having a Large and Capacious Chappel already built with Brick, and a Yearly Fund to keep it in Repair out of the Burials there, but their only defign is to take away the Tythes from the Rector of Whitechappel, and to free themselves from those, and other Parish

Charges.

II. The faid Chappel of Wapping hath been built almost Fourfcore Years, and hath ever since ispection, from and feveral Giffs of Hours settled upon it since, which with the Perquisites of Christiangs, and several Giffs of Hours settled upon it since, which with the Perquisites of Christiangs, and several Giffs of Hours settled upon it since, which with all other Parishes in and about London to their Lecturers) hath been also necessary and a Seven Score Pounds per Annum, so that upon avoidance of the faid Curacy, there hath been great Competition for the same by Clergy-Men of good Worth.

III. The said Inhabitants before and ever since the building of the said Chappel have payd curacy, there hath been great Competition for the said one likewise in all other Chappel have payd curacy, there many hundred such Chappels of Ease are, and have been built, and a Curate distinctly of where many hundred such taking away the Tythes, or any part of them from the proper maintained in them, without taking away the Tythes, or any part of them from the proper maintained in them, without taking away the reversal Restors. Hut to many Impropriate

be a thing of dangerous confequence not only to feveral Rectors, but to many Impropria-

tors in England.

IV. There have within fome years laft paft been many New Houses Ereched in the said Parish as in all the Out-Parishes of London, several of which have dropt down before they were rish as in all the Out-Parishes of London, several of which have dropt down before they were found to the New Ones, and many of them are quite decayed and fall down, and the control of the New Ones, and many of them are quite decayed and fall down, and the control of the New Ones, and many of them are quite decayed and fall down, and the control of the New Ones, and many of them are quite decayed and fall down, and the control of the said Parish of the said New Buildings, that as all Parish Rates have been inspect for the pariticular Inhabitants, and been considerably raised to what they were in former Years, nor do amount to more now than they did Threescore Years ago, as appears by the Old Decimaries and Tythe Books of the said Parish, neither is the value of the Living now above Two Thirds of the said year annum, out of which the Rector paye.

King the Curate of Wapping is free from.

V. There have been in the Surface of Wapping is free from.

A clide of which the greatest part of it is built for above a find many paye.

That are the parts of the said Parish and Wealthy bent parts of the said Parish and Wealthy bent parts.

That the parts of the said Parish of their House have been always much above the other parts.

of the faid Parish who hath been legally possessed the faid Tythes and for several years last past axes for the fame to the full, doth ustice of the Honourable House of Commons, who have been always perty and Liberty of the Subjects, will preserve to him his Property Tythes, and not let the same, which are above a Third part of his way from him by the Bill to make Wapping a distinct Parish, but that him during his Life. Cor the

Tythes in respect of their Houses have been always much above the whole Parist and are of the Yearly Value of 130 l. or there-hreefcore Years agos, as appears by the old Decimaries and Tythe

Threefcore Years ago

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Chappel, but only to free themfelves from their Old Tythes and Parifh Charges Their Bill is not to Build not to Build or Enlarge a-ny Church or

fore Years, with Maintc-nance for a Curate, and a Fund to Repair it. They have had a Chappel almost Four-

They have paid their Old Tythes to the Reftors of Whitechappel, I as is done in all other places in England I where are Chappels of

Rates, nor increased the

Rector of Whitechappel's

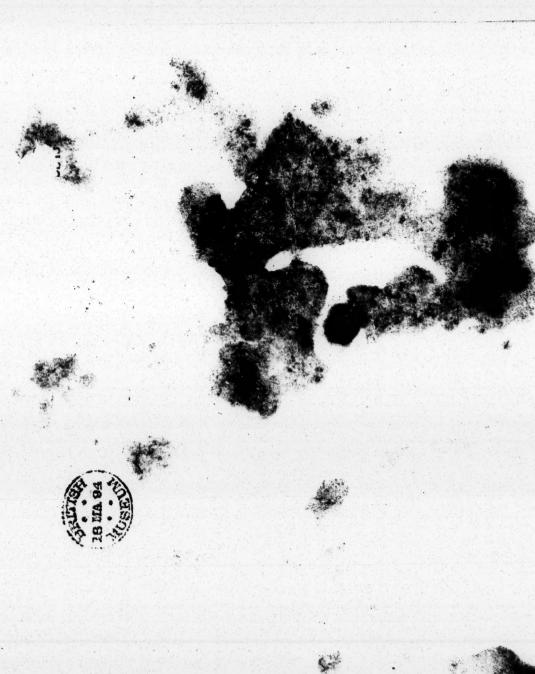
ANSWER

TOTHE

Case and Petition

OF

Wapping-Hamlet.



### The CASE of John Bingham, Esq; and Katherine Dunbarr, Widow of John Dunbarr, Esq; Deceased.

HAT the Petitioners were employ'd in their Majesties service, for Carriages of Stores of War, during the War in Ireland till the Year One thousand six hundred ninety and one; at which time they made up their Accounts in the Ordinance Office of that Kingdom, from whence they had a Debenture for what remained due to them upon the Ballance of the said Account, as will more fully appear by the following Account, and Debenture taken out of the said Office.

Due to John Bingham and John Dunbarr, Esquires, for Carriage of Stores of War for their Majesties service, as followeth.

For Carrs supplyed by the said Bingham and l. s. d. Dunbarr from time to time as per Contract and 1836 or of Note of particulars lodged in this Office.

Whereof paid as follows.

Total paid L. 0799 17 02 1/2
Ballance due to the Account 1036 04 03 1/2
L. 1836 01 06

The above Account is Stated and Allowed, and there appears to be due to the Accountant, John Bingham Esq; from their Majesties for his proportion of the above Ballance thereupon, the Sum of Five hundred and eighteen Pounds two shillings and one penny three-farthings Sterling. Ordinance Office, Dublin the 22d of January, 1691.

The 29th of January 1691, Paid on Account Fifty Pounds.

Examined, Za. Deane. Cler. Ordinance.

Stores deliver'd to John Bingham and John Dunbarr, Esqs; upon Account.

The above Sum of Eleven Pounds fifteen shillings is to be equally divided, and deducted, out of the Ballances due to John Bingham and John Dunharr, Esquires, for the Carriage within mentioned, unless the said Bingham or Dunharr, do by the last of next Month, return unto their Majesties Stores of War at Duhlin, the said Tents and Sythes, or others as good in lieu thereof. Ordinance Office, Duhlin the 29th of January, 1691.

The like for 3 Hatchets at 2s. each 6s.

Signed by Order Za. Deane.

Ditto 4 Sickles or Shearing-hooks at 8s. Copia Vera.

That application having been made by the said John Bingham and Katherin Dunharr to the Commissioners for taking and stating the Accounts of the Army, the said Commissioners would take no Cognizance thereof, as not being on the Establishment of this Kingdom.

Now in regard the said services were faithfully and effectually perform'd according to Contract at their great Charge and Expence, and having been long out of their Mony.

It is bumbly boped that this Honorable House will be pleased to give such Order, and Directions in the premises, as the said Debt. may be now satisfied and paid.

# C A S E

John Bingham Esq; and Katherine Dunbarr, Widow.



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THE

# CASE

OF

### John Woodgate,

Late Post-Master of CANTERBURY:

Turn'd out of bis PLACE for Discovering Smugglers and a Correspondence with FRANCE, during the late WAR.

in the Year 1692. received Order, by Letters from the Post-Masters General, to Enquire, and, if possible, to Discover, How a Pacquet of Letters which came often to the Office in the Name of a Flanders-Mail, was conveyed over, they not knowing any thing thereof.

Woodgate, in pursuance of his Trust to them, and in Duty to the King and Laws in that Case made, used his utmost Diligence; and thereby found out, that there was several Boats in Dover, which generally went out once in a Fortnight or Three Weeks, and took in Wooll at Rumney-Marsh, or elsewhere, carried the same to some Port in France, afterward coasted to Newport, or some other Port in Flanders, where they received Letters, which had come over Land from the Merchants in France, to their Correspondent or Correspondents in Flanders, which some times were sent as they came, other times transcribed, and put into the Flanders Mail, of which they gave the Post-Masters General an Account in 1693. Notwithstanding which, they took no care to suppress the same; but the said Mail came over in the same manner till April 1697.

Woodgate, afterwards finding that his Diligence in this Affair had rather displeased than pleased the Post-Masters General; and that they refused to reimburse him, and were picking Quarrels with him, to turn him out of his Place in 1697. petitioned my Lord Keeper, who referred all the Matter to Mr. Secretary Trumbal, where he had a Hearing, and proved all the Matter, and had Thanks given him by my Lord Keeper, who then owned he had done the King and Kingdom great Service therein.

No sooner was His Majesty gone to Flanders, but the Post-Masters General turned Woodgate out of his Employ, and sued Him and his Security for great Summs of Money, which was received by a Deputy that they themselves Employed and still Continue. And Woodgate cannot impute their kigidness against him to proceed from any other Reason, but that they were angry with him for his being so Active in Discovering the Intrigues of those Smugglers, under which was carried on that pernicious Correspondence with FRANCE.

The Discovering of which Intrigues and Procuring Witnesses to Attest the same before the Secretary, and by his Command, hath cost Woodgate above Three Hundred Pound; the Hardships he hath fince undergone, occasioned thereby, besides the Loss of his P L A C E, and being Reduced, near Eight Hundred Pound more.

Now Woodgate humbly Implores this Honourable House, to hear his Cause, and fuffer him to prove his Justice and Fair Dealing in this Matter; this House being his only Refuge; where he doubts not but, to the Satisfaction thereof, to prove, That the Discovery aforesaid would have proved an Important Service to this Nation, had it not been hindred by Ambitious and Interested Persons.

10.12.04 10.12.04

THE

### C A S E

### John Woodgate

Late Post-Master of Canterbury.

# CASE of the GARBLER

FOR THE

### City of LONDON.

HAT time out of mind there hath been an Office within the City of London for the Garbling of several Druggs, Spices, and other things Garbleable, with Ancient Fees, which have proved by Experience to be Of Publick Ase to the Subjects of this kingdom, and so the Ponour of our Commodities when Exported after Sale thereof within this kingdom, by advancing the Calue of the same in Foreign Warkets, and preventing Disputes that often happen.

That the same was Consirmed and Established by an Act of Parliament made in the Reign of King James the First, not only for the Prevention of Corrupt mixtures with Spices and Druggs, to the danger of Mens Bodies, but of Frauds and Deceits in the Sale of the

iame.

That the present Officer hath a Grant for Life from the City in the Year 1686, which is since consisted by the Act for Restoring the Cities Charter; That he renders 300 l. per Annum Rent to the Chamber of London for the same, and pays 76 l. per Annum Taxes: And that he necessarily keeps Seven Sworn Officers constantly attending this Publick Service, and is at 400 l. per Annum more Charge for the Execution thereof.

That his clear Profit is not 200 l. per Annum, notwithstanding a very valuable Conside-

ration paid for procuring the same at first.

That his Behaviour fince his Admission, hath been free from any Just cause of complaint. For he never Extorted, or Received any other Fees than what were Ancient, and time out of mind. And as to the Pretended Imposition of New Rates: It's true, he hath offered to Garble the Jesuits Bark, and other Commodities lately Imported in their Natures Garbleable, according to the Tenure of the said Custom and Act, for certain Rates and Prices, less in proportion than the Antient Fees, for Commodities requiring less Labour, and time out of mind Imported.

That for those New Commodities he hath not Garbled any, but only when requested;

and never Seized, nor Sued for any Neglect of the same.

That he never claimed any Fees for Goods Exported within Eight Months without Sale, according as the Act provides for.

That he never Profecuted any Suits in the Exchequer on Frivolous Occasions, and never received any Penalty; but generally took much less than his Duty of Garblage.

That the End and Use of the said Office created by Custom, and confirmed by Act of Parliament; was, and really is for the benefit of the Buyer, and prevention of Fraud in the Seller, by disposing one, or a mixt Commodity, instead of another single and uncor-

rupted.

That the True and Original Reason of Complaint against the said Officer, is not his Extortion or Neglect of his Duty, or other Personal Offence; but his Diligence in the Execution of his Office, and unfortunate Discovery of False and Counterfeit Drugs and Spices, and the mixing of Soil and Rubbish with Garbleable Goods after the same were Garbled, and the Seal of the Office six to the same; and his refusal to take his Fees, and set his Seal without doing his Duty.

All which is Humbly submitted to the Consideration of this Honourable House; And it's hoped for the Reasons abovementioned, that this Honourable House will not permit the bringing in of any Bill, to alter the Law now in some; it being only designed for private ends, and to obstruct the Publick good.

# CASE of the GARBLER FOR THE City of LONDON.

